THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

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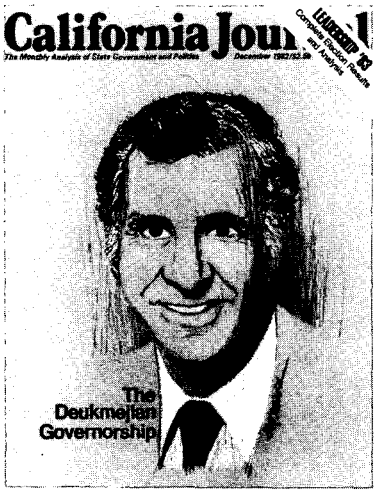

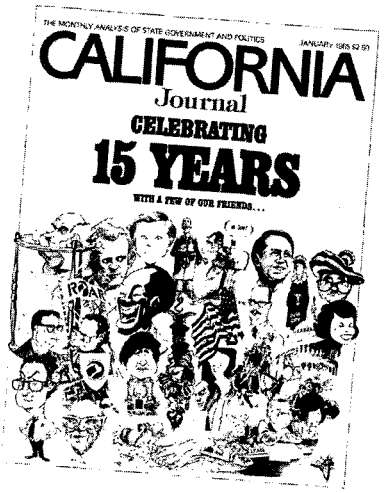

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THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS
CALIFORNIA Journal

VOLUME XVI, NUMBER 5 MAY 1985

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CALIFORNIA JOURNAL is a non-partisan, non-ideological analysis of California government and politics established in 1970 and published monthly by The California Center, a non-profit, public-benefit corporation.

The *Journal* is indexed in Public Affairs Information Service, New York Times Information Bank, Sage Urban Studies Abstracts, Urban Affairs Abstracts, Public Issues Index and California Periodicals Index.

California Journal (ISSN 00081205) is published monthly. Subscription rates: Libraries and Government Agencies, $39; Corporations and Associations, $75; Special Individual Rate, $24.95. Address all inquiries to California Journal, 1714 Capitol Ave., Sacramento, California 95814. Telephone (916) 444-2840. Copyright 1985 by The California Center. Second class postage paid at Sacramento. POSTMASTER: Send address changes to CALIFORNIA JOURNAL, 1714 Capitol Ave., Sacramento, CA 95814.

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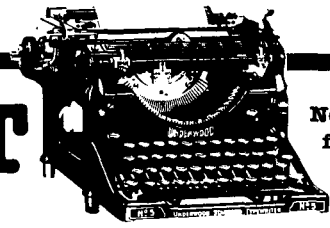
UP FRONT



Notes and Items from Contributors and the Journal Staff.

Political activist and (U.S.) Gary Hart-confidant David Mixner visited the Big Apple recently to talk up his pro-peace organization, which recently opened headquarters in Los Angeles. Among people Mixner met with in New York was actor Paul Newman, who gave $25,000 and wants to participate in the organization's first major effort — a massive march of 5000 across the country next year to garner attention for the movement. Why the long march? "We needed something that seemed impossible to do," explains Mixner, who was a co-founder of the Vietnam Moratorium in the '60s. "We're asking people to put comfort and security aside for 200 days to say 'take the nuclear weapons down.' " Mixner says Jerry Brown has lent support and the entertainment community has pledged to help in a big way (Barbra Streisand has pledged $10,000). "The biggest surprise of all is how easy it's been," he says.

(Michele Willens, New York)

To hear his political agents tell it, Tom Bradley foiled a Republican plot when he marched to victory in the Los Angeles April 9th mayoralty election, defeating Councilman John Ferraro by a two-to-one margin. Ferraro, a Democrat who got most of his aid from GOP sources, was being "used" by Republicans to soften up Bradley in case he decides to run against Governor Deukmejian in 1986, say Bradley strategists Mike Gage, a former assemblyman, and Tom Quinn, Jerry Brown's former aide. With pre-election polls showing Bradley would win his fourth term, it made good sense for the Bradley folks to paint Ferraro as Deukmejian's cat's-paw. Seen thusly, a Bradley win means a Deukmejian loss, right? Whether this view will improve Bradley's standing with powerful West Los Angeles Congressmen Howard Berman and Henry Waxman remains to be seen. The Berman-Waxman axis is reportedly concerned that Bradley will lose to Deukmejian in 1986 and is encouraging others to run. Even before it endorsed his reelections bid, the Berman-Waxman machine insisted on meeting with Bradley to air the issues. One question "the boys" put to the mayor was: What route should the party take to regain the governor's seat? State Senator Herschel Rosenthal, a Berman-Waxman team member, later told reporters that Bradley "really didn't give us a good answer."

In Sacramento three days after the election, Bradley chief of staff Tom Houston told reporters that the mayor has made no decision about 1986 and noted that the U.S. Senate seat held by Republican Pete Wilson will be up in 1988 — at about the time Bradley's new mayoral term is coming to a close. If there's any seriousness in that possibility, Bradley, now 64, could go on forever.

(John Schwada, Los Angeles)

Assemblyman Tom McClintock, a Republican from Thousand Oaks, has been awarded the Citizen's Medal of Merit by the Ventura County Peace Officers Association. The award is given annually to civilians who risk their lives on behalf of others. Back in September 1984 McClintock and a neighbor entered a burning condominium where they discovered its elderly occupant — a 60-year-old man — unconscious and badly burned. They carried him to safety, an act that saved the man's life.

Veterans of the California political scene will remember Herbert L. "Pete" Phillips, retired McClatchy newspapers political editor who died March 10th at age 86. Another oldtimer, Earl "Squire" Behrens, who covered politics for the *San Francisco Chronicle* from 1923 until retirement in 1974, is now 93 and in poor health at the VA Nursing Home Care Unit in Menlo Park.

Congressman Tony Coelho, of Portuguese decent, was rejected the first time he applied to join the Congressional Hispanic Caucus. But some diligent research by his staff showed that Romans once referred to the Iberian peninsula, now divided between Portugal and Spain, as "Hispania." That must've been enough for the caucus, which made the Merced Democrat its 13th member. It may also have helped that the caucus is mostly Democratic and Coelho is a major fundraiser for Democrats.

(Jim Boren, Fresno)

Last October we reported that a former Republican Assembly candidate — Ross Tharp, now a San Diego Superior Court judge — had refused to pay a $40,000 advertising debt left over from his 1980 campaign, arguing that the debt belonged to those who talked him into running, managed his campaign and ordered the advertising in the first place: former GOP Assembly Leader Carol Hallett and two of her staffers back then, Ed Rollins and Tom Dey. But a Sacramento judge recently decided against Tharp, ordering him to pay up because, as the candidate, he approved the expenditure and had no contract with the GOP to pay his debts.

Tony Quinn, terminated as policy director for the Assembly Republican Caucus when Robert Naylor lost the minority leader's job to Pat Nolan last November, has been named director of the Office of Economic Research, state Department of Commerce. However, he didn't stay idle between engagements. He completed the first draft of a 300-page history of California reapportionment. Supposedly a stirring saga, he claims it will be published.

Sacramento Bee political cartoonist Dennis Renault plans to open a cartoon show this month at the Metro, an eatery

and drinkery near the Capitol. There'll be 25 of his originals on view for sale from May 14th to June 28th. As Assembly Speaker Willie Brown once said, "Renault is doing zero for the Legislature."

George Meese, director of the Department of Motor Vehicles, has been in the news lately, trying to explain the computer and other problems that have been making life miserable for thousands of California motorists. But don't ask him about brother Edwin and his problems with becoming U.S. attorney general. "He keeps that pretty much to himself," says DMV spokesman Erwin Cooper.

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Old political battles never die — in some cases, they don't even fade away. Take what happened to Republican state Senator Ken Maddy recently. While dining at a Sacramento restaurant, he was called over to another table by Democratic Assemblyman Tom Hayden. "Have you met my wife?" asked Hayden. Maddy said no and eagerly expected to be introduced to Jane Fonda, who was seated at Hayden's elbow.

But first, he had to pay for a past sin. "How did you vote when Jane Fonda was nominated to the State Arts Commission (by Jerry Brown back in the mid-1970s)?" Hayden demanded, with a smile.

"Against," Maddy confessed, quickly adding though that things political do change and that his vote might be different today. The introduction was then made.

F-40 The San Diego Union Sunday, March 31, 1985

Consulting Group, was also named See ROW on Page F-41

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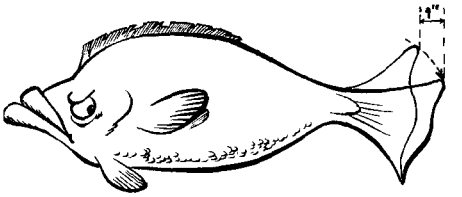
And coming soon, *The Union's* coverage of the 1984 Summer Olympics.

(Anne Omstead, San Diego)

Assemblyman Jack O'Connell, a Democrat from Carpenteria, has put in one of the year's fishier bills (AB1340). Under current law, a halibut to be kept must be



22 inches from the tip of the snout to the longest lobe of the tail "while lying flat in natural repose." But some fish fall a half-inch or so short. The bill, sponsored by the Pacific Coast Federation of Fishing Associations, would let a fisherman bend the tail to pick up that extra half-inch. The Department of Fish and Game is opposed.

Another part of AB1340 provides a goodie for commercial lobster fishermen but in a way that obscures its intent. Although there's no evidence that lobsters need protection, the bill would require the Fish and Game Commission "to protect the lobster resource" by reducing the number of lobster fishermen. However, the bill requires the F&G regulations to be written in a way that would deny permits to part-time and weekend fishermen, not to full-timers.

The Board of Equalization — whose job it is to compute and collect property taxes, the sales tax and the gasoline tax — has hired a consultant to: "Instruct board employees in basic math functions including multiplication, decimals, fractions and proportional word problems." The quotes are from a board report, which adds that the board went to an outsider because: "There are no sufficiently knowledgeable employees within the board to provide this course." Actually, says board spokesman Sid Mandel, it's all routine and innocent. Lower-level clerks often need such instruction and it's cheaper to hire a consultant than to send them to the state training center.

In an article last month about the Supreme Court's practice of depublication, we cited another article by Justice Joseph Grodin on the subject and said it appeared in the June 1984 issue of *California Law Review.* Actually, it was in July.

Assemblywoman Gwen Moore has introduced a bill to create a new agency that would spend $500 million on projects for converting solid waste to energy. But the Legislative Counsel's digest of the measure says it deals with "energy to waste projects." Maybe the counsel knows something we don't know.

(Jennifer Tachera, Sacramento)

Kam Kuwata is U.S. Senator Alan Cranston's new California press secretary. No stranger to the Cranston staff, Kuwata worked for the senator from 1975 until Cranston's presidential campaign fell apart in the spring of 1984. Between then and his return, Kuwata did campaign consulting in Florida.

John Meyers, who was succeeded in March by Jim Lindberg as executive director of the California Republican Party, is now the director of public affairs for Region 9, U.S. Department of Health and Human Services in San Francisco. His boss in Washington is former Republican Assemblyman Dixon Arnett, deputy undersecretary for intergovernmental and congressional affairs.

Our description of the new Sierra Club lobbying line-up in the March issue failed to mention Paula Carrell who primarily handles coastal, forestry and land-use issues.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814. Sorry, submissions cannot be returned.*

A great man shows his greatness by the way he treats little men.

Thomas Carlyle

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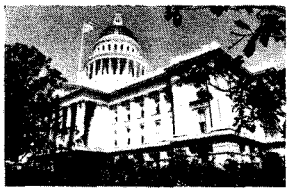

Capitol review

The most frequently mentioned name around the Capitol these days is that of W. Patrick Moriarty, the Orange County fireworks king. Having pleaded guilty in March to several bribery-related counts in connection with the licensing of a poker palace in the Los Angeles City of Commerce, Moriarty has agreed to open up and tell prosecutors of his wheelings and dealings with state level officials. Presumably, the more cooperative he is with investigators, the more understanding the judge will be when sentencing-time rolls around. No one knows what he is likely to say, but the press has been full of disclosures from his associates and other sources. There has been talk of laundered campaign contributions, prostitutes and possible payoffs in the form of lucrative business deals. Where it all will end, or what the results will be, is anyone's guess right now.

Meanwhile, a lot of people may be wondering, "How come?" Although legislative scandals are nothing new, is there something in the current political situation that brought this particular scandal along?

The answer is "yes." We have created a situation in which professional politicians can maintain themselves in office only by raising enormous bundles of cash. When it can cost over a million dollars to win a legislative election, the need for campaign contributions becomes a palpable thing. And since the special interests that are the major source for such sums usually want something in return, the potential for scandal is immediate and immense.

In California, our legislative politicians weren't always so dependent on special interests. Prior to 1966, when voters approved a full-time Legislature, the state was governed by part-time lawmakers, many of whom maintained an outside interest and with it a sense of independence for themselves. But by the mid-1960s it was being argued that state government had grown too complex for part-time management, and voters approved the change.

It took awhile for the effects of the change to become clear; that is, to develop the group of professional politicians who dominate the Legislature today. In any case, they are there, more tightly bound to their legislative careers than their part-time predecessors and able to achieve job security only by appealing to special interests for the money they need to win reelection.

Obviously, the situation wouldn't be so bad if there were some way for them to achieve job security without such heavy reliance on campaign cash. But in California we have denied the job protections that professional politicians have enjoyed in this nation from time immemorial. We have denied them strong party organizations, the right to appoint friends and supporters to government jobs (patronage) and even have endangered their opportunity to gerrymander every now and then.

By California standards, these are despicable facets of political life. Nevertheless, the politician who can depend for support on his party, his retainers and the sanctity of his district boundaries can look a special interest in the eye occasionally and say, "Go to hell."

Party organizations in this state have been relatively weak for nearly 75 years. If a legislator learns that some city council member or supervisor is thinking about running against him in the next party primary, he cannot depend on a party leader's calling the upstart and telling him to bug off. Instead, the legislator must amass a warchest for a potentially tough primary campaign.

Similarly, if a legislator learns of an impending challenge, he cannot call up a battery of court clerks, road workers, etc., who owe him for their jobs. Since California has no patronage system worth talking about, the legislator is on his or her own. Only money will deliver the brochures (in the form of direct mail) and buy the workers needed to get out the vote and win the campaign.

Reapportionment still provides a degree of job security for those legislators who control the process. But the process itself has been under attack and has been destabilized over recent years. Only last November Democrats beat back at the polls the latest Republican effort to undo the Democratic gerrymander of 1983. But the handwriting is on the wall. Both sides are talking now of creating an independent commission to handle reapportionment in the future. As a result, no legislator today can feel totally secure because of safe district boundaries.

For many of the same reasons, the same lack of job security that affects the Legislature afflicts the state's congressional delegation as well. And there's no better example of how it all plays out than last November's reelection of Alameda County Democratic Congressman Pete Stark.

Stark was opposed by an 83-year-old Republican named J.T. Eager Beaver who promised, if elected, to dam San Francisco Bay. This is not as outlandish as it sounds, but neither is it the hottest issue for a congressional campaign. In all, Beaver had $3500 (of his own money) for his campaign.

Nevertheless, even with such a weak opponent, Stark could not feel secure enough to run a relatively low-key campaign. As reported in *The Los Angeles Times*, he spent an overwhelming $246,000 to bury Beaver with 70 percent of the vote. Stark, of course, knew from the start that he had little to fear from Beaver. But he spent enormously nonethless to protect his job two years hence. As he told *The Times*, he feared that if he got only 55 percent of the vote against such a weak opponent, he might draw a strong Republican challenger in 1986.

Given such situations, in which money alone provides politicians with job security, it should not be surprising that persons like Moriarty — who have it and want something — are attracted to the scene. Whether the governor and Legislature will apply some repellant, in the form of campaign-finance reform, remains to be seen.

Robert Fairbanks

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BREAKING THE FAITH

SOUTHERN CALIFORNIA DISSIDENTS: WE DON'T NEED NORTHERN WATER NOW

By CHERYL CLARK

For decades the cry for more Northern California water has been as much a part of Southern California life as traffic jams and smog. The sprawling Metropolitan Water District, which is responsible for delivering water to some 13 million southerners, has always regarded the need for northern water as an article of faith: Without it, land below the Tehachapis will dry up and blow away.

But suddenly heretics have appeared within the MWD fold. Disillusioned by repeated failures over recent years to get more water from the north, they have begun looking elsewhere and have found some surprising possibilities. As a result, they are publicly wondering whether Southern California really will need new and expensive state plumbing within the next several decades after all.

To date, the most open apostasy comes from the San Diego County Water Authority, the biggest buyer among MWD's 27 water district customers. Authority officials, looking to the farmers east of them, see vast amounts of Colorado River water being used, including much that the farmers actually may not need. Since the farmers buy water at a low agricultural rate — about $9.50 an acre-foot — they have little incentive to conserve. But if someone offered to buy water from the farmers at municipal rates — $200 an acre-foot and more — who knows how much the farmers might be able to save?

Not surprisingly, MWD officials vehemently dislike such talk and fear that it does nothing but hand new ammunition to Northern Californians, environmentalists and other opponents of the big state projects that are needed to bring more northern water to the south. Carl Boronkay, MWD's general manager, says he made three New Year's resolutions for 1985: "Upgrade the State Water Project, upgrade the State Water Project and upgrade the State Water Project." Without that, he says, Southern California will face a "truly drastic" situation.

Approved by voters in 1960, the State Water Project is a series of dams, aqueducts and pumping plants that are primarily designed to deliver Northern California water to the San Joaquin Valley and points south. According to the state Department of Water Resources, the project currently produces a "firm yield" of 2.3 million acre-feet annually. (An acre-foot is 325,800 gallons, or about the amount that a family of four would use in a year.)

But the project is supposed to produce 4.2 million acre-feet annually by the year 2000. Obviously, if that originally-planned goal is to be met, new dams and other facilities must be built. And chief among those needed facilities is one that would carry northern water around — or through — the Sacramento/San Joaquin Delta. For without such a facility, only a part of the north's water surplus can be tapped for delivery elsewhere. The remainder, flowing seaward through hundreds of separate delta sloughs and channels, remains effectively unusable.

However, since 1977 the Legislature and the electorate have been regularly rejecting various plans for a delta facility. Northern Californians fear it would allow southerners to take too much water; environmentalists fear it for several reasons, including the risk of salt water intrusion into the delta; some agricultural interests also have been opposed, contending that in return for a delta facility they were being asked to accept too many environmental controls.

Following the initial failure to pass a delta-facility bill in 1977, the Legislature reconsidered two years later and eventually approved construction of the Peripheral Canal. However, a referendum followed and voters rejected the canal in 1982.

The latest battle occurred in the Legislature last year and ended with the defeat of Governor Deukmejian's "through delta" bill. As various legal authorities have suggested, the governor could build a delta facility without

Cheryl Clark is a reporter for the San Diego Union, *specializing in water and related issues.*

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legislative approval. However, when Deukmejian — back in April 1984 — said he would do so, he created such a flap that he has not publicly uttered those words again.

But despite the setbacks, MWD continues to urge an immediate expansion of the state project. Why? MWD officials cite a variety of reasons, headed by expected growth and development in Southern California. More specifically, though, they warn of losses MWD will suffer when the Central Arizona Project slowly begins taking its share of Colorado River water, which is expected to begin in December of this year.

Under a 1964 court decision, Arizona's share of Colorado River water was increased at California's expense. Thus, as the CAP begins operations, California's take from the river will begin to decline, from the current 5.2 million acre-feet annually to 4.4 million. Simultaneously, MWD's share of the state entitlement will drop by half, from 900,000 acre-feet annually to 450,000. (Colorado River water comes to Southern California from the east, through the 240-mile Colorado Aqueduct.)

Some contend that MWD could balance its losses from the Colorado by taking its full share of water from the north. Currently, MWD is entitled to some 1.5 million acre-feet of northern water during years of normal rainfall. But not needing the full amount, it has been allowing Kern County growers since 1970 to take some of its share (see box).

MWD officials reply that even if they were to take MWD's full amount from the north, the district still would not have enough assured supply to cover expected growth in Southern California and losses from the Colorado. According to Myron Holburt, MWD's assistant general manager, MWD will need about 2 million acre-feet annually by the year 2000. However, if the state project is not expanded before then, MWD would be assured of only one million acre-feet from the state (the dry-year amount) and the aforementioned 450,000 acre-feet from the Colorado. Thus needing two million acre-feet, but assured of only 1.45 million, MWD would be short by 550,000 acre-feet.

Nevertheless, a number of water users, led by the San Diegans, are challenging MWD's insistence on new state plumbing. "The MWD is a single-solution agency institutionally committed to pork-barrel projects," says San Diego Republican Assemblyman Larry Stirling. "Metropolitan will have to adopt to a new reality. The world is passing Met by," says Democrat Steve Peace, another San Diego assemblyman.

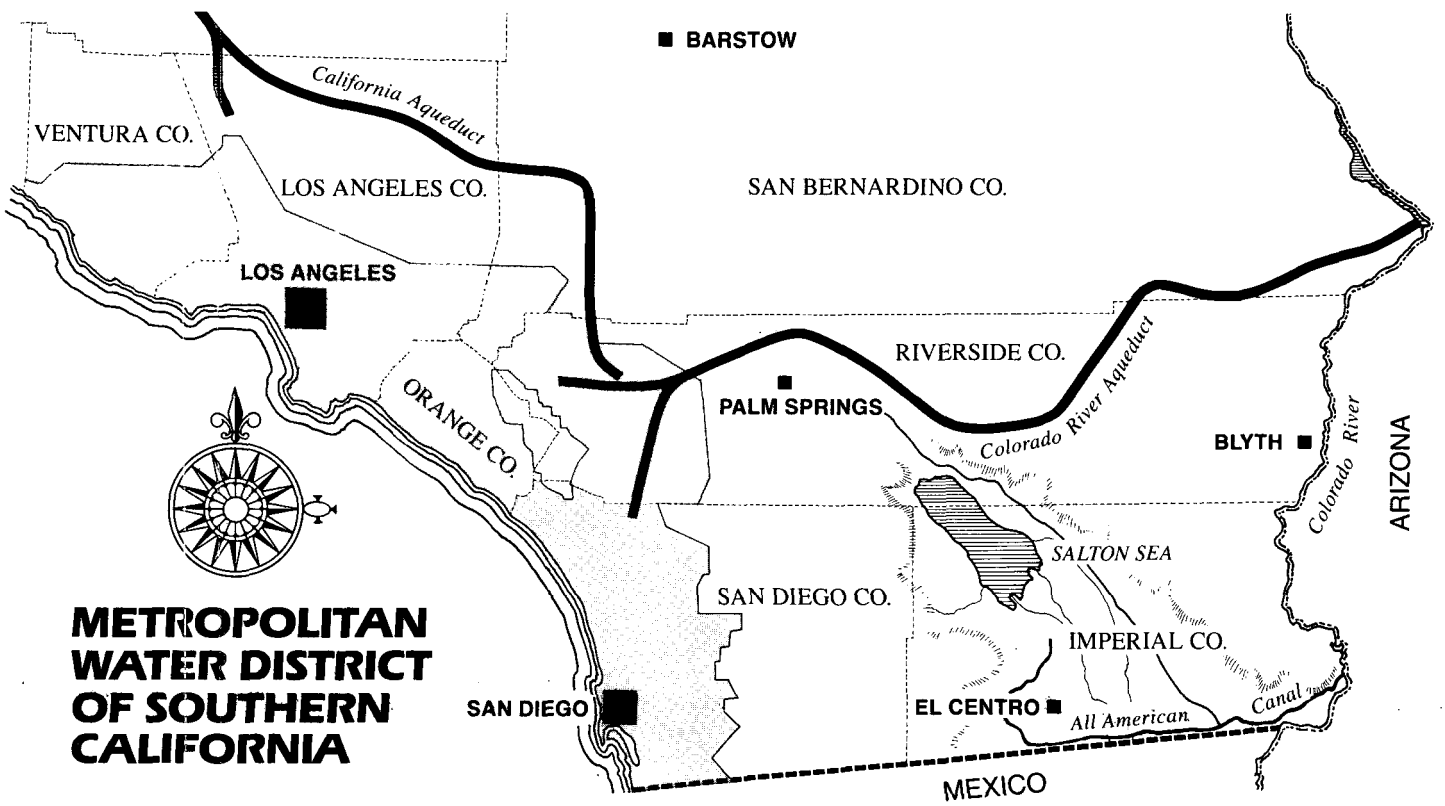
More specific is the message from Larry Michaels, general manager of the San Diego County Water Authority. In a February 7th letter to MWD, he proposed a variety of strategies to get an additional 669,000 acre-feet from the Colorado — more than enough to cover the 550,000 acre-foot shortfall that MWD is predicting. And this would be relatively inexpensive water since it could be delivered through the existing Colorado Aqueduct. No expensive new facilities would be needed.

Essentially, Michaels proposed that MWD finance a variety of water-conservation measures for farmers in Riverside and Imperial counties. As a result, the farmers would need less Colorado water (they are entitled to about 3.85 million acre-feet annually) and the cities of Southern California could take more.

Imperial Valley

Michaels' laundry list of conservation projects focused largely on the big Imperial Irrigation District (IID), the agency — 100 miles east of San Diego — that furnishes Colorado River water to Imperial Valley growers. Among other things, Michaels called for reducing seepage losses in the district by concrete-lining the All-American Canal, an eight-mile channel that links the district to the Colorado River; lining other district canals and channels; and building reservoirs within the district to reduce overflows. He also called for similar projects within the Coachella Valley Irrigation District, which lies north of the Imperial Valley.

None of this is especially new, nor is Michaels contending that it is. The state Water Resources Control Board last year ordered Imperial Valley growers to stop wasting water, the growers are looking for ways to finance conser-



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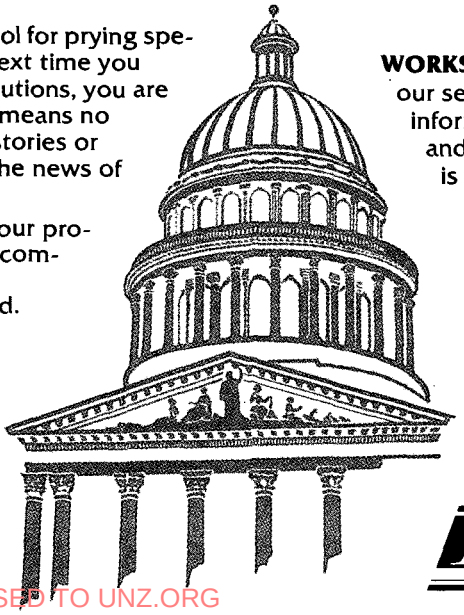

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vation projects and the MWD is negotiating with them. The problem, according to Michaels and other San Diegans, is that the MWD — because of its slavish dedication to getting more water from the north — is foot-dragging and downplaying in its pursuit of additional water from the Colorado.

In his letter to the MWD, Michaels said: "Informal discussions with the IID board members and some large irrigation users have helped to reinforce our convictions that a much larger firm supply could be made available, under certain circumstances, than is now being considered in the MWD analysis."

Harry Griffen, San Diego's representative on the MWD board, says MWD would be wise to display less interest in the delta. "There's a feeling by a substantial number that the water industry continues to do business as usual rather than what is being done by many electrical energy producers: That is, create some kind of incentive to use less water," he told the MWD board last January.

MWD's Holburt replies that Michaels lacks understanding of the problems involved and that his list of proposed conservation projects may not regularly produce as much water as he says. "You can't just add up all the numbers and say that all that is firm supply in 1990," Holburt declares. Looking at the Imperial Irrigation District, Holburt estimates that conservation there would produce no more than about 250,000 acre-feet annually of firm supply. (Michaels' list of projects envisions 580,000 acre-feet from the IID.)

Disputes like that, involving estimates of what is a firm supply of water and what is not, would be easier to settle if there were mutual trust between the parties. But, according to the San Diegans, MWD has created credibility problems for itself. For instance, one of the first persons to suggest that Southern California's water problems could be reduced by conserving agricultural water was Tom Graff, an attorney for the Environmental Defense Fund. However, after Graff made the suggestion in 1981, Boronkay — who was then MWD's legal counsel — replied that a "host of laws" prohibited its consideration.

San Diegans also point to MWD's dire predictions that

BORONKAY HOLBURT GRIFFEN MICHAELS

Arizona would begin taking its full entitlement of Colorado River water in 1985. But the Central Arizona Project, scheduled to begin operations this December, is far from complete. Only a portion of its full cost has been authorized by Congress and completion dates for critical sections of aqueduct to Tucson have been pushed back several years.

A spokesman for MWD said the prediction was technically correct in that California formally loses its previous entitlement to Colorado River water as soon as any part of the CAP begins operation. However, spokesman Jay Malinowski conceded that, as a practical matter, California will lose relatively little, for it may continue to take whatever water Arizona does not use. Says Malinowski, "The point is, the water will be lost; it's a matter of when, not if."

Personal slurs also are involved. MWD's Holburt says Michaels is inexperienced and "doesn't know what he is talking about." San Diego's Griffen refers publicly to Holburt as "that Mr. Hokum."

Water and money

But even if disputes over numbers could be settled and trust between the parties could be restored, San Diego and MWD might still be at odds over San Diego's contention that water will flow toward money and that the way to get it is to buy it from persons who hold existing water rights. (Generally, these are persons who have access to water and who are putting it to some purpose that satisfies legal requirements for "beneficial use.")

Thus Michaels suggests that Southern Californians de-

MWD'S SUBSIDY TO FARMERS

Two UC researchers contend that residents within the six county Metropolitan Water Districts, which is almost everyone in Southern California, are providing a hefty subsidy each year to farmers in Kern County. According to Michael Storper and Richard A. Walker, this occurs because both MWD and the Kern County farmers buy water from the state, and the state's pricing policies give the farmers an advantage.

The problem, as they see it, is that the state is paying for the massive California Water Project by charging customers according to their entitlements to state water rather than the customer's actual water use. Thus, because MWD is entitled to the lion's share of water from the project, it is paying a lion's share of the project's enormous construction costs. And because the Kern County Water Agency is entitled to a smaller share of water, it pays a smaller share of those costs.

The problem is that MWD doesn't need its full entitlement and regularly gives its surplus to Kern. As a result, Kern gets bargain-basement water (paying only the cost of pumping it to its farmers) while MWD residents continue to pay their big share of those high construction costs.

From 1972 through 1979, the researchers say, MWD received 27 percent of the state water and paid 57 percent of the project cost. Meanwhile, the Kern County agency got 46 percent of the water and paid only 14 percent of the cost. Storper and Walker say this amounts to a $170 million subsidy paid by MWD's customers to the farmers over those eight years.

Storper, an assistant professor in UCLA's Graduate School of Architecture and Urban Planning, and Walker, an associate professor of geography at UC Berkeley, say the state should begin charging customers according to their historical use of water rather than entitlements. By charging higher prices for extra water, they say, the state would encourage water conservation in irrigation and postpone the need for costly new dams, canals and pumping plants.

Democratic Assemblyman Phil Isenberg of Sacramento, one of the Legislature's more knowledgeable critics on water issues, says results of the study simply confirm what's known. "It should not be any big surprise to anyone that you have half a million acre-feet that the MWD can't use, and it's sold at subsidized rates to valley agricultural interests and has been for a long time. The reality is that Southern California doesn't need a completed State Water Project," he says. — *Cheryl Clark*

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velop new water by offering to buy it at municipal rates from farmers on marginal or poor land. Many of them, he believes, would be willing to take, say, $200 an acre-foot for water that they would otherwise use to irrigate some low-yielding crop.

Indeed, members of the San Diego water board like the idea so much that they decided in March to explore the possibility of buying water from farmers on the west side of the San Joaquin Valley, many of whom may be unable to use their water entitlements because of their well-publicized problem with selenium in their soil. The water, instead of being used in the valley, would continue to flow southward through state aqueducts to San Diego.

MWD officials strongly oppose such ideas, saying that if water were treated as a commodity no one would be assured of retaining a firm supply and the result would be chaos. David Kennedy, who preceded Boronkay as MWD's general manager and now heads the state Department of Water Resources, says he is "skeptical" that farmers would respond favorably to the prospect of urbanites bidding for their water. "Maybe the ag community has changed their attitude about that. But it's been a difficult social issue ever since the City of Los Angeles bought up all that land in the Owens Valley." (Kennedy referred to the fact that the city, in the early years of this century, assured much of its current water supply by surreptitiously buying up land, with accompanying water rights, in the valley.)

Also in line with its belief that water flows toward money, the San Diego County Water Authority last August bought a $10,000 option on water to be developed by a private company on the Yampa River in Colorado. The company, the Galloway Group, said it could get access to 300,000 to 500,000 acre-feet of water from the stream, a tributary of the Colorado. If the deal ever goes through, San Diego would get its water via the Colorado Aqueduct.

Again, MWD is strongly opposed. In this case, Boronkay flatly accused San Diego of seeking to undermine his efforts toward completion of the State Water Project and said furthermore that the Yampa deal wouldn't work. Under a series of decrees known as the "laws of the river," states downstream from Colorado — and not San Diego — would have first rights to any new water in the Colorado River, regardless of who built the dam that put it there.

No matter what Boronkay may suspect, San Diego is not searching out such deals and making such proposals only because its water officials want to make life miserable for MWD. Local officials say they are doing it because they are more desperate for water than others in the state. Faced by burgeoning growth and development, and with local reservoirs that are small and few, and with rainfall averaging nine inches annually, the county must obtain additional water to preserve its economic health.

But no matter how understandable are San Diego's motives, the political effect of its actions is fairly clear. By contending that relatively large amounts of Colorado River water are available, the San Diegans further erode support at the State Capitol for additions to the State Water Project. But, ask the San Diegans, what difference does that make? With a governor who is not willing to take the lead in the water issue again, and with agricultural interests seemingly content to let things go as they are, the chances for a new state water bill emerging from the Legislature were none too good at the start.

San Diego's Michaels calls his conservation proposals "a 25- to 40-year solution." "It seems to be a solution for today," he concludes.

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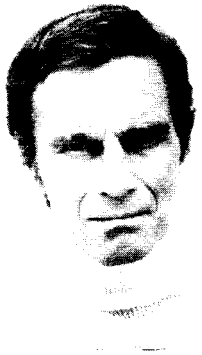
WHO WILL FACE CRANSTON IN 1986?

Mindful of past mistakes, GOP dreams of big names



CHARLTON HESTON

STEVE GARVEY

PETER UEBERROTH

By JAMES R. CARROLL

When people in a political party keep talking about running a movie actor, a baseball player or even the baseball commissioner for the U.S. Senate, you can be reasonably certain of two things: They are underwhelmed by the existing field of Senate hopefuls; and, also, they are worried.

And so it is among California Republicans these days. Despite puff-chested GOP pronouncements that Democratic incumbent Alan Cranston is eminently beatable because of his losing presidential bid in 1984, many Republicans right now aren't so sure. Much of that sentiment was being expressed subrosa at the GOP state convention in Sacramento this past February.

"I think what we're hearing from the delegates," said one Republican insider, "is that the party runs the risk of doing what we've done before, which is not putting up a viable statewide candidate . . . The party has a tendency to resurrect Max Rafferty (a reference to the late state schools chief who in 1968 became the first of three conservative Republicans to be on the losing end of a Cranston Senate race)."

But if not Fiedler, Davis, Flournoy, Laffer, Lungren, Dannemeyer, Naylor, etc., then who? The name most mentioned at the GOP convention was that of actor Charlton Heston. While Heston has told everyone he is more interested in playing a senator than being one, there is one GOP school of thought that believes it will take a Moses to lead Republicans from under the shadow of Cranston.

There was another whispering campaign on behalf of Peter Ueberroth, the commissioner of baseball and wizard behind the 1984 Summer Olympics in Los Angeles. The projected profits from the Games are still being periodically adjusted, always upward. Ueberroth partisans apparently figure that if you can't get Moses, someone associated with good old American patriotism could be effective — so why not the General Dwight D. Eisenhower of the sports world?

Then there are those who reason that if the GOP can successfully overcome the "San Diego cul-de-sac" once, with the election of San Diegan Pete Wilson to the Senate in 1982, the party can do it again. So some Republicans are talking about, and reportedly have talked to, Steve Garvey, first baseman for the 1984 National League Champion San Diego Padres. Garvey is well-known throughout Southern California, having been a popular member of the Los Angeles Dodgers for 14 seasons before jumping to San Diego in 1983. "Ridiculous!" say other GOPers. But who knows? Garvey is 37 — old for an athlete but young for a politician — and a September batting slump might make him think about a career change.

The rest of the field

All of which, of course, leaves everyone else who has either actually declared or is talking about the U.S. Senate run. In that group, the biggest problem is that old political requirement — name identification. In a state the size of California, it helps to start a campaign with a respectable, statewide name-recognition factor. The California Poll, conducted by pollster Mervin Field, revealed on convention week-end that other than Heston, who received a 73 percent identification rating, the Republican Senate hopefuls have some work to do.

Congresswoman Bobbi Fiedler of Chatsworth came in second with 40 percent, followed by state Senator Ed Davis of Northridge with 37, former state Controller Houston Flournoy with 35, economist Arthur Laffer with 22, Congressman Daniel Lungren of Long Beach with 17, Congressman William Dannemeyer of Fullerton with 13 and Assemblyman Robert Naylor of San Carlos with 12.

Those relatively low numbers generated considerable comment at the convention. "You have to have at least 50 percent name I.D. statewide at the start," asserted Congressman Robert Dornan of Garden Grove, who ran unsuccessfully in the 1982 GOP Senate primary. When told nobody in the 1986 race was above 40 percent, Dornan seemed astonished. "What?! But I had 42 percent!" he exclaimed. There was a long pause as Dornan gazed off into space. Former Congressman John Rousselot of Los Angeles, also defeated in the GOP Senate primary of 1982, said what reporters around Dornan were thinking. "When are you going to announce, Bob?" Rousselot joked. (However intrigued, Dornan seems to have no plans.)

Among the hopefuls, only Davis and Naylor have for-

James Carrol is Washington correspondent for Knight-Ridder Newspapers.

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mally announced they will run. Fiedler plans to make a formal announcement later, thereby allowing herself more opportunity to appear on radio and television without having opponents request equal time.

Laffer also appears to be ready to commit himself. Less certain are Dannemeyer, who is promoting himself by leading one of the anti-Rose Bird campaigns, and Lungren, who insists that if his exploratory committee doesn't produce enough campaign contribution commitments, he will remain in the House. Still trying to decide whether even to explore a Senate candidacy are state Senator William Campbell of Hacienda Heights (just in case, he offered "Billy's Chili" one night to convention delegates), Los Angeles supervisor and new California GOP chairman Mike Antonovich (he is torn between a run for lieutenant governor, the Senate, and staying where he is; his campaign buttons simply say "Antonovich!" with no office suggested), and state Senator Kenneth Maddy of Fresno. (Maddy said in a recent interview, however, that he is "90 percent convinced" that he will run for re-election to the state Senate.)

Money-raising

The bunched ratings in the name I.D. contest are cutting both ways. They have given new encouragement to the lesser-knowns like Lungren, and have been read as a disappointment for the supposed leaders, Davis and Fiedler. Before The California Poll, Davis had claimed that his own poll had given him a 62 percent name-recognition rating.

To improve name I.D., a serious Senate candidate needs money. Lots of it. Of course, getting it can involve a vicious circle. You can't raise money if people don't know who you are and you can't become known without money for PR and advertising. The contenders agree that each will need about $2 million for the primary and anywhere from $4 million to $6 million to run against Cranston in the general.

Color everybody very far away, at least for now.

Fiedler leads the pack with more than $300,000, but almost all of it is left over from her last congressional campaign. Although the tougher money-raising lies ahead, it's no sin to start in front.

Cranston comes next with slightly more than $200,000. Despite a lingering and sizeable debt from his presidential campaign, Cranston is not likely to have trouble coming up with the cash he needs for his fall race. A Democratic primary challenge appears more remote by the day, which means Cranston will just have that much more time to raise money and watch the Republicans beat each other up in their primary.

Lungren is third in money, with about $100,000, although, like Fiedler, most of it is from his last House campaign. The same goes for Dannemeyer, who has about $77,000. No other Federal Election Commission reports have been filed yet, but Naylor has volunteered that his campaign has collected about $35,000.

What all this means is that the GOP's likeliest candidates for the U.S. Senate — at this time — seem well behind Cranston in the areas of name recognition and ability to raise money. But even if those problems can be solved (and there will be changes as the campaign goes on), there still remains a major problem for Republicans: that of finding someone with the right political philosophy.

A strong challenge to Cranston will require a Senate campaign that is as broad-based as possible. But broad-based appeal is not a Republican specialty, at least as far as Cranston is concerned. In addition to Rafferty in 1968, Cranston faced state Senator H. L. (Bill) Richardson of Glendora in 1974 and Proposition 13 co-author Paul Gann in 1980. By winning the Republican primary, these men showed they satisfied the GOP's controlling conservative majority. But they were too far to the right to assemble the broad support needed for a November victory over Cranston.

Problems

These days, the Davis and Fiedler candidacies are cases in point. Some, perhaps many, hardrock conservatives find Davis unpalatable because he was a Senate sponsor for AB1, a gay rights bill that Governor Deukmejian eventually vetoed last year. Although the former Los Angeles police chief's strong anti-crime record and generally conservative stance on other issues could offset those objections (he earned the nickname "Hang-'em-at-the-Airport Ed" for suggesting that airplane hijackers be strung up at the scenes of their crimes), the explosive gay rights issue could torpedo his primary chances. This is a possibility even though many other Republicans concede he would be one of the stronger candidates against Cranston in the fall.

Fiedler has a similar problem. Her militant anti-busing crusade endeared her to many conservatives, but her more liberal stands on other issues (she supports the Equal Rights Amendment, for example, and has been described as "the Republican most likely to vote against the Reagan administration") may cause her trouble. Again, her generally moderate record probably would be an advantage in a campaign against Cranston.

In addition to Republican problems with name I.D., money and philosophy, the GOP also faces a Cranston who may be stronger than many Republicans thought. After dipping in a California Poll following his presidential race last year, Cranston is back up to his June 1983 ratings in which 47 percent of those questioned gave him an "excellent" or "good" rating. That's higher than his California colleague, Republican Pete Wilson, who received such rat-

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ings from only 40 percent of those asked.

Many Republicans also thought they could use Cranston's liberal record against him, and doubtlessly it will figure in the campaign. But Cranston can counter by pointing to traditional Republicans on his side. Thanks largely to his careful courting of the business community, California's three-term senator can point to Republican support, for instance, from Sanford Sigoloff, chairman and chief executive officer of Wickes Inc., and Howard Allen, chief executive officer of California Edison.

Cranston, now 70, undoubtedly will be the oldest person running for statewide office in California next year and, if anything, he looks even older.

"Alan Cranston, as healthy as he may be, does not look that way, does not appear to be vigorous; he's not viewed that way as far as the public's concerned," says Lungren, who is 38 and the youngest of the Senate possibles. "I think the contrast of youth versus age will be important."

But Cranston may counter with his experience, and the age issue could be a wash if Davis, now 68, is the GOP Senate nominee.

Which all leaves the Republicans with a couple of familiar faces and a bunch of relatively new faces facing a not-so-sure thing. "Anybody who thinks beating Alan Cranston is going to be easy," said one GOP operative, "is in for a rude shock."

ROSTRUM

Depublication

Concerning the Ashby/Benfell article on Supreme Court depublication of appellate decisions (*CJ*, April 1985), there seems to be an attitude that the Supreme Court should take a measure of responsibility its critics are not willing to match. If, as the article states, the appeals courts are free to "certify" or publish their decisions or not to, without explanation, why is the Supreme Court's decision that a few of the "certified" opinions should *not* be published or used as precedent so shocking? Or, to put it the other way, if depublication without explanation is the wrong way to shape the law, why shouldn't the appeals courts be required to give *their* reasons for not publishing an opinion? Appellate decisions become Supreme Court's decisions if the high Court chooses not to review, so why should the Court not have the right in some cases to say: The Court has something to say on this legal issue but will wait for another case to elaborate.

PAUL K. S. HARTLEY
San Francisco

Democrats

I want to comment on March 1985 article "County leaders seek to find out why." As the former Democratic County chair in San Diego, I read with interest the Peterson article. I suppose that studies are okay, but one does not have to look too far to find the problems with the party in Southern California. Basically there is simply too vast an area for a "state party" to administer. It makes the party disjointed and ineffective when it is spread too thin. There is a serious lack of independence when caucuses are the main focus and concern of too many party members, when such a large number of party "activists" are staffers for legislators, and when — as under Mr. Kelly — the party became too beholden to the legislative leadership.

There are approaches if not solutions to these problems. First, regionalize the party into about six areas with as many vice-chairs who have real clout. The useless travelling every few months accentuates the North-South problems of the present structure. Multiple regions allow a focus on the local party and balances off the Democratic urban fortresses of Los Angeles and San Francisco. We also need brave independent leadership that will aggressively go after the small contributor, fight to eliminate the caucuses and make the party useful to officeholders. Many legislators pray that the party just does not embarrass them.

PHIL CONNOR
San Diego

Kesterson

I was taken by surprise at Steve Merksamer's defense of Governor Deukmejian for not speaking out on the abomination known as Kesterson Reservoir (see "Rostrum," *CJ*, April 1985). According to Chief of Staff Merksamer, it "would have been absolutely inappropriate to have commented on this issue," because "the Water Resources Control Board is an independent, quasi-judicial body" and the governor "would have been criticized, and rightly so, for appearing to intervene and impose his judgment on the board while (the) sensitive and important issues relating to Kesterson were under review by gubernatorial appointees."

It sounds good but doesn't ring true when you examine the governor's eagerness to intrude on another of the state's "independent, quasi-judicial" bodies whose issues are also "under review by gubernatorial appointees." I refer to the Agricultural Labor Relations Board and the governor's raucous and harsh criticism of its decisions as being too fair and generous to farm workers and too harsh and onerous to agribusiness employers.

In both cases, the governor's actions were dictated by his great concern for his agribusiness contributors. In the case of Kesterson, he refrained from adverse comment concerning agribusiness polluters. In the case of the ALRB, he eagerly comments adversely on a board that too often in the governor's view finds his agribusiness friends guilty of violating the law.

JEROME R. WALDIE
Member, ALRB

Water Board

In your March 1985 issue you quoted me as commenting that the Chamber of Commerce and some agri-businesses would probably not care if the state Water Resources Control Board disappeared. After that interview the governor's announcement of a reorganization plan came out. Many thought the board would be split in its functions as a result. The state Chamber of Commerce led industry in an effort to protect the Porter-Cologne Water Quality Act, our board and regional water boards. They were joined by major industry and many environmental groups. Please allow me to state that I was delightfully proven wrong by actual events. Further, I wish to publicly thank Mr. Larry Kiml and the state Chamber of Commerce for their efforts.

KENNETH W. WILLIS
Vice Chairman
Water Resources Control Board

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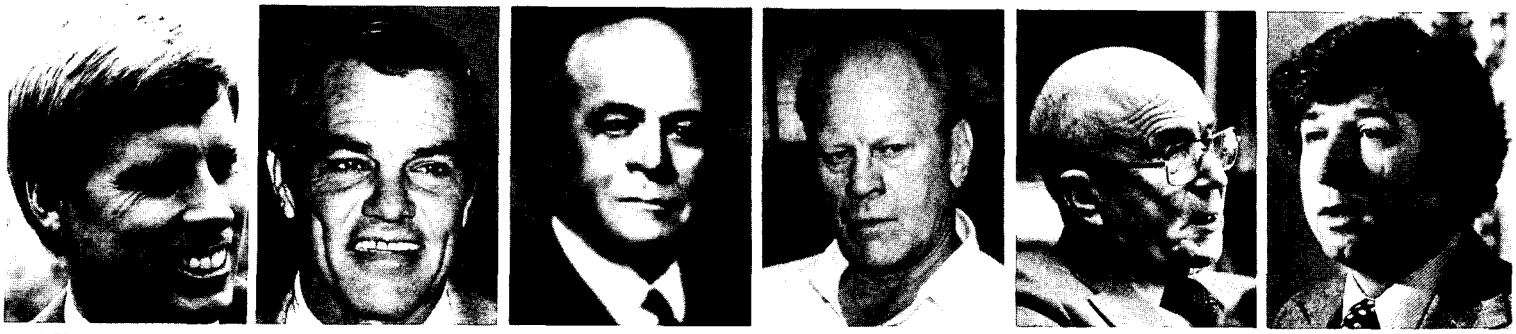

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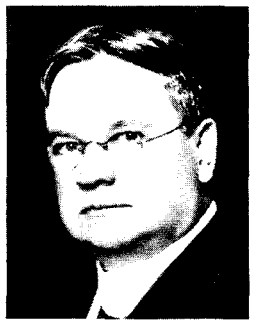

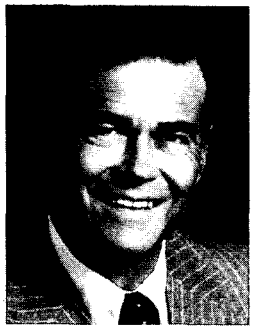

By MARTIN SMITH and BILL COLLINS

While politicians certainly will resent being included under the classification of trivia, most of their deeds fail to command our attention for long, which for some of them is certainly just as well. This exercise is intended to test memories for obscure, mostly forgotten and generally useless bits of information about a few of the statesmen, politicians and hacks who are, or have been, active in California public affairs. We'll let you make your own judgments about how many right answers constitute an excellent, fair or poor score. One word of caution: No one, not even the most single-minded political junky, should be expected to know all the answers to questions posed here. The co-authors tried and frequently succeeded in stumping each other as they traded questions about who-did-what-and-when on the California political scene. Anyone who does provide correct answers to all the questions should be immediately suspected of paying insufficient attention to serious pursuits.

For those of you who are stumped, the answers are printed on the back of each question. For those of you who own one or more trivia games, cut out the cards and use them to rack up an easy win the next time you play against non-political friends.

Martin Smith writes about politics for The Sacramento Bee. *Bill Collins is a legislative coordinator in state government.*

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1. Who was the elevator operator at the state Capitol who had one brother in the Assembly and another in the state Senate?

2. What are the names of the two brothers who served together in the state Senate during the 1950s?

3. What famous military figure had a father who once challenged Hiram Johnson for the U.S. Senate?

4. What current member of the Assembly once defeated a vice-presidential candidate?

5. What Los Angeles County politician formerly played football for the San Francisco '49ers?

6. What two current members of the Legislature once won nomination to statewide office?

7. Name three of the six current state legislators who lost a nomination to statewide office

8. Despite an awesome reputation as a campaigner, Republican state Senator Milton Marks has actually lost two legislative races in San Francisco. His more recent defeat occurred in a 1954 general election contest for an Assembly seat which was won by Democrat Charley Meyers. Two years earlier Marks had come in second in an Assembly primary. Who won that nomination?

9. Who held elective office longer than anyone in California history?

10. If Maureen Reagan had had things her way in 1982, she would have been elected as California's first United States senator whose father was president. California has been represented in the United States Senate by someone whose father-in-law once was president. Who was that senator?

11. A present member of the California congressional delegation served two tours of duty in the state Assembly — the first as a Democrat, the second as a Republican. Who is he?

12. Earl Warren served longer than any other governor in California's history — more than 10 years from after his election in 1942 to his appointment by President Dwight Eisenhower as chief justice of the United States in 1953. Name the governor who held the office for the shortest time — and say why his tenure was so brief.

13. Which current members of the California Legislature left it for some period of time and were later re-elected?

14. What current member of the Legislature was defeated for the Assembly and elected to the Senate in the same year? What were the circumstances?

15. Whom did Richard Nixon defeat in the 1962 Republican gubernatorial primary? (Hint: He's still on the scene in Sacramento.)

16. When was the last time California gave its presidential electoral votes to a Republican and elected a Republican to the U.S. Senate in the same year?

17. How many Democratic presidential nominees have carried California since 1944?

18. Which current state-wide elective officeholder was born the furthest distance from California? Where was that?

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3. General George S. Patton Jr., whose father — George Sr. — was Johnson's Democratic opponent in 1916. It was the Progressive-Republican Johnson's first race for the Senate.

2. John F. McCarthy, a Republican from Marin County, served from 1950 to 1965. Brother Robert I., a Democrat from San Francisco, served from 1955 to 1958.

1. Floyd (Curly) Dills. A Capitol elevator operator from 1954 to 1974, he landed the job after his two brothers were elected to the Legislature from Los Angeles. Brother Ralph was elected to the Assembly in 1938, left in 1949 to become a judge and returned in 1966 as a state senator. Brother Clayton, now deceased, was elected to the Assembly in 1942 and retired in 1966.

6. Senators Alfred E. Alquist of San Jose and H. L. Richardson of Arcadia. Alquist won the Democratic nomination for lieutenant governor in 1970 but lost to the incumbent Republican, Ed Reinecke. Richardson won the GOP nomination for U.S. Senate in 1974 and lost to Alan Cranston.

5. Los Angeles County Supervisor Pete Schabarum, a '49er fullback during the early 1950s.

4. Tom Bates, who beat Emma Mar in 1982. Two years later, Mar was the Peace & Freedom Party's candidate for vice president.

9. Democrat George R. Reilly of San Francisco, who occupied a seat on the state Board of Equalization from after his 1938 election until he resigned in July 1983 — a total of more than 44 years. Also enjoying a good run in public office during the same period was the late Vincent Thomas, a San Pedro Democrat who served in the Assembly from 1940 until his defeat in 1978.

8. An up-and-coming San Francisco attorney named Caspar Weinberger, now secretary of defense. Marks did not enter the Legislature until 1958 when he captured the seat from which Weinberger had retired to make an unsuccessful attempt to win the GOP nomination for attorney general.

7. Senators Paul Carpenter of Cypress (1982 Democratic primary for U.S. Senate); John Garamendi of Walnut Grove (1982 Democratic primary for governor); Ed Davis of Chatsworth (1978 GOP primary for governor); and Ken Maddy (1978 GOP primary for governor). Assemblymen Gray Davis (1974 Democratic primary for treasurer) and Tom Hayden (1976 Democratic primary for U.S. Senate).

12. Milton Latham held the office for only five days — Jan. 9-14, 1860. Why? He got a better offer after one of California's U.S. senators, David C. Broderick, was killed in a duel with former California Chief Justice David S. Terry. U.S. senators then were elected by the Legislature, and Latham spent most of the time between election and inauguration lobbying state lawmakers to make him U.S. senator, which they did. He resigned as governor and saw Lieutenant Governor John G. Downey sworn in as his successor.

11. Republican William Dannemeyer, now representing a Fullerton-area congressional district in Orange County. He first was elected to the Assembly as a Democrat in 1962, stayed for four years and then ran for a state Senate seat — as a Democrat. After losing to Republican James Whetmore in 1966, he returned to Orange County where he changed his registration to Republican and, in 1976, ran again for the Assembly. Dannemeyer won, and two years later, was elected to Congress.

10. William Gibbs McAdoo, elected by Californians to the Senate in 1932. McAdoo was Woodrow Wilson's secretary of the Treasury and later married Eleanor Wilson, one of that president's three daughters. McAdoo was twice an unsuccessful contender for the Democratic nomination — in 1920 to succeed his father-in-law and again in 1924. His career as a California senator didn't last long, for he was defeated for renomination in 1938 by Sheridan Downey. McAdoo became president of the American President Lines and died in 1941.

15. Joseph Shell, who was then Republican minority leader in the Assembly. Although little known outside Sacramento and his Los Angeles-area legislative district, Shell gained 33.4 percent of the primary vote against Nixon. Shell is a lobbyist now for petroleum companies.

14. Republican Senator Newton Russell of Glendale. In 1974 then-Assemblyman Russell lost the GOP primary in the 41st Assembly District by 16 votes to a fellow incumbent — Mike Antonovich, now an LA County supervisor — after reapportionment forced both into the same district. Russell wasn't out of a job long, however. In December he was elected to the Senate in a special race to replace John Harmer who had resigned to become, briefly, lieutenant governor. Russell defeated LA Councilman Art Snyder.

13. State Senators William Campbell, Ralph Dills, Ken Maddy and Milton Marks and Assemblyman Tom Bane.

18. Leo McCarthy was born in Auckland, New Zealand.

17. Only two — Harry Truman in 1948 and Lyndon Johnson in 1964. For a while in 1960 John Kennedy thought he had won California but his hopes were dashed after absentee ballots in Orange and San Diego counties heavily favored Richard Nixon and allowed him to carry California by 35,623 out of more than 6.5 million votes cast. Even so, that wasn't the state's closest presidential election since World War II; Truman beat Republican Thomas Dewey by only 17,865 votes in 1948.

16. In 1976 when California voted for Gerald Ford for president and elected S. I. Hayakawa to the U.S. Senate.

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19. While we're on the subject, identify those current state-wide elective office-holders who are native Californians and those whose birthplaces are outside the state.

20. Who occupies the U.S. Senate seat once held by Richard Nixon?

21. Who was the first black Californian elected to Congress?

22. Republican President Ronald Reagan likes to remind his audiences that he was a Democrat for much of his adult life. Name another former California governor of the last half-century who once ran for a legislative nomination of the opposite party.

23. California has had two governors during the 20th century who entered the office after service as state legislators in both California and in their native states. Name either one of them.

24. Which California governor once served in the Assembly where he tried to broaden the death penalty to cover armed robbery?

25. The Jordans — father Frank C. Jordan and son Frank M., both Republicans — held the office of California secretary of state for more than 60 years. Which one held it longer?

26. California Democrats enjoyed their grandest triumph in the state's history in 1958, capturing a U.S. Senate seat the Republicans had held since 1899, regaining the governor's office and winning every other statewide partisan office — except one. Secretary of State Frank M. Jordan was the sole GOP survivor, but who was the Democrat who lost to him by only a narrow margin?

27. Name the Democrat who served as secretary of state between the two Jordans. (Hint: He was a former Assembly speaker who later became a distinguished state jurist.)

28. What present state official lost his first run for the Legislature to the late George Moscone? (Hint: It was a Democratic primary for the state Senate.)

29. Paul Gann made an unsuccessful try for elective office in 1980 when, as the Republican nominee for the U.S. Senate, he lost to incumbent Democrat Alan Cranston. Gann's sometimes partner in the initiative business, Howard Jarvis, made an even less successful try for high office. What were the circumstances?

30. Who is the youngest member of the California Legislature?

31. Who is the oldest member of the California Legislature?

32. California's congressional delegation has not provided a notably successful launching pad for U.S. senatorial candidates. Name the only three California members of the House who quit their seats to make successful runs for the Senate.

33. Are there any PhD degree-holders now serving in the Legislature?

34. Who is the only physician serving as a member of the California Legislature?

35. Which former U.S. senators from California are still living?

36. Who was the last Democratic U.S. senator from California to die in office? The last Republican?

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21. Augustus (Gus) Hawkins. A Democrat, now 77, he still represents his south-central Los Angeles congressional district, which includes Watts. When first elected to the House in 1962, he became not only the first black from California but from any congressional district west of the Rockies. He ran for Congress after serving 27 years in the California Assembly but wasn't the first black to serve in the California Legislature. Frederick Madison Roberts, elected to the Assembly in 1919 from Los Angeles, is credited with being the first.

20. Alan Cranston.

19. Natives: Attorney General John Van De Kamp, Secretary of State March Fong Eu, Superintendent of Public Instruction Bill Honig and U.S. Senator Alan Cranston. Non-natives: Governor George Deukmejian (New York state), Leo McCarthy (New Zealand), Controller Ken Cory (Missouri), Treasurer Jesse Unruh (Kansas) and U.S. Senator Pete Wilson (Illinois).

24. George Deukmejian. In 1963, as a freshman member of the Assembly, Deukmejian proposed, in the first two bills he introduced, to impose the death penalty in cases in which: 1) a burglar or robber used a deadly weapon in the commission of the crime or who caused or theatened injury in a burglary; or, 2) a kidnapper committed his crime for the purpose of rape.

23. The first was Republican Frank Merriam, governor from 1934 to 1939, who served as a member of the Iowa House of Representatives before moving to California. He later represented a Long Beach district in the California Assembly for 10 years before being elected lieutenant governor and then stepping up to the governor's office on the death of the incumbent. Democrat Culbert Olson, Merriam's immediate successor who served as governor from 1939 to 1943, had been a member of the Utah Senate before he moved to California. He was elected to the state Senate from Los Angeles County for one term before becoming his adopted state's chief executive.

22. Edmund G. (Pat) Brown, then only 23, ran unsuccessfully for a Republican nomination to the Assembly from San Francisco in 1928. During the 1930s he changed his registration to Democrat and later was elected district attorney of San Francisco, state attorney general and then governor. His 1928 campaign was his biggest political flop. He ran a distant third in the GOP primary, winning less than 16 percent of the vote.

27. Paul Peek. Democratic Governor Culbert Olson appointed Peek as secretary of state after Frank M. Jordan died in 1940. When Jordan's son, Frank C., ousted Peek in the 1942 elections, Olson showed his continuing loyalty to a former legislative ally by appointing Peek to the state Court of Appeal. Fourteen years later, Pat Brown promoted Peek to the California Supreme Court where he served as an associate justice until his retirement in 1966.

26. Henry Lopez, a politically obscure 38-year-old Los Angeles attorney who upset LA County Supervisor John Anson Ford for the endorsement of the California Democratic Council and later won the party primary. Jordan however, won the office with 49.18 percent to Lopez's 48.27 percent.

25. Son Frank M. Jordan. His father was elected secretary of state in 1910 and held the post for more than 29 years until his death in 1940. In 1942 the son was elected to the same job and kept it until his death in 1974, a total of 31 years.

30. Tom McClintock of Thousand Oaks, a 28-year-old Republican member of the Assembly now starting his second two-year term. His official biography says he became active in politics in 1972, which would have been when he was 16. He was born July 10, 1956.

29. Howard Jarvis ran for the Republican nomination for the U.S. Senate against incumbent Tom Kuchel in 1962. Kuchel was renominated, and Jarvis ran a dismal third, gaining only 10 percent of the Republican vote.

28. Lieutenant Governor Leo McCarthy in 1966, when both he and Moscone were members of the San Francisco Board of Supervisors. Two years later McCarthy made a more successful try for a legislative seat when he won election to the Assembly.

33. Yes, four, all Democrats. Senators Paul Carpenter of Cypress and Diane Watson of Los Angeles and Assemblymembers Teresa Hughes of Los Angeles and Lucy Killea of San Diego. Watson and Hughes have their PhDs in educational administration; Carpenter, experimental psychology, and Killea, Latin-American history.

32. Republican Richard Nixon in 1950, Democrat Clair Engle in 1958 and Democrat John Tunney in 1970.

31. Not surprisingly, the oldest of the old-time legislators are in the Senate. The eldest of several septuagenarians there is Democrat Alfred Alquist, who is 76. Alquist, born August 2, 1908, was something of a late political bloomer, having been elected first to the Assembly in 1962 and to the Senate in 1966.

36. Democrat Clair Engle in 1964; Republican Hiram Johnson in 1945.

35. Six remain alive: Democrats John Tunney and Pierre Salinger and Republicans Thomas Kuchel, Richard Nixon, S. I. Hayakawa and George Murphy.

34. Republican Assemblyman William J. Filante of Marin County.

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THE LIKEABLE "CAVEMAN"

ASSEMBLY GOP LEADER PAT NOLAN FIGHTS HARD AND PLAYS TO WIN

By LARRY PETERSON

Patrick James Nolan is a boyish-faced fellow of 34 who likes to be liked and who is trying to make a name for himself in the often nasty game of legislative politics. Elected by Assembly Republicans as their new leader last November, he is doing well so far. But his big test is yet to come. If — under his leadership — the GOP minority can pick up a few seats next year, his future will be assured. But if GOP candidates fare poorly in 1986, the new star could become a goat.

At the moment, that possibility seems remote, and especially so to Nolan himself. A big (6'2", 230 lbs.), ebullient man, he is buoyed by the conservative tide that appears to be sweeping the state and nation, and he has said he is planning not just to win a few seats in 1986 but to capture the majority. With the current Assembly line-up at 47 Democrats and 33 Republicans, that would be a mind-boggling GOP gain of eight seats.

But all that lies ahead. For now, Nolan is basking in the praises of Republicans and Democrats alike for his willingness to end more than three years of bitter Assembly strife by creating what he has called a "cooperative working relationship" with Democratic Assembly Speaker Willie Brown.

Roughly since the 1982 reapportionment, Assembly Democrats and Republicans had been at each others' throats over the issue of in-house operations and rules. Outraged by what they felt was Brown's unfair treatment of them (denying them top committee assignments and other such plums), Republicans retaliated in 1984 by financing a petition campaign for the Gann initiative — a measure that would have given the minority party more power, largely at the speaker's expense.

Although voters approved the initiative last June, Democrats refused to implement it because, they said, it was unconstitutional. Later a lower court also said it was unconstitutional, but the case remains on appeal. Meanwhile, the issue continued to simmer in the Assembly, or was simmering, until Brown and Nolan formed their new working relationship.

Details of the arrangement have been sketchy, but Nolan apparently agreed that Republicans would drop their continuing efforts to make the Democratic leadership look bad. Previously this included the highlighting of Democratic refusals to implement Gann, the publicizing of legislative consulting contracts that Democrats gave to friends and strident, vociferous GOP opposition to Democratic bills for legislative pay raises. In return, Democrats were to give Republicans more power within the house.

Thus last December, when the Legislature convened its 1985-86 session, it was Nolan who moved to re-elect Brown as speaker by a unanimous vote. And a few weeks later, when Brown announced his committee assignments, Republicans received four chairmanships and 26 vice-chairmanships. Additionally, the new seating assignments for the Assembly floor allowed Republicans to sit together rather than be scattered among Democrats as they had been before.

No petty fights

But how does Nolan, a new-right conservative, justify any sort of working relationship with Brown? He replies that working with Brown has nothing to do with such fundamental issues as taxes, the budget and criminal justice. There, the fights will continue. But he adds: "I don't get in fights just for the sake of fighting. I'm not going to fight over petty maneuvering or rules and procedures that bog us down in technicalities."

Not that Nolan dislikes a good political argument. As the son of parents who encouraged their nine children to discuss politics at the dinner table, he's been at it for about

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as long as he can remember. And he seems to have been a conservative during most of the time. In the seventh grade, he recalls, his opinions clashed with the liberal ones of his teacher, a Catholic school nun.

For Nolan, a Los Angeles native, it was high school in Sherman Oaks, USC for an undergraduate degree in political science and then a final degree from USC's law school in 1975. As an undergraduate, Nolan joined and eventually led the very conservative Young Americans for Freedom, this at a time when campuses were still the scene of student battles over the Vietnam War. Friends recall that Nolan and a band of conservative students once stood guard at a campus flagpole, determined to fight off another student group that supposedly planned to protest the Cambodian invasion by lowering the flag to half-mast.

With Nolan in the YAF were two USC classmates who have also moved into the Assembly: John Lewis of Orange and Dennis Brown of Long Beach. Part of the YAF's statewide leadership in those days was Ed Royce, then a student at CSU Fullerton and now a state senator from Anaheim. Royce recalls that it looked then as though the political left would sweep to power across the nation. But even so, he says, Nolan "had a vision of the conservative movement, that it was the future of the country."

After law school, Nolan served briefly as a practicing attorney but quickly moved into full-time politics. He was elected to the Assembly in 1978 from a heavily Republican district around Glendale and has been preaching free enterprise, law-and-order and no new taxes ever since.

But he can be surprising. Suffering from severe allergies to various foods and from hypoglycemia (abnormally low sugar content in the blood), Nolan got little relief until he tried the preventive-medicine approach advocated by the State Wellness Council — an agency set up under former Governor Jerry Brown to promote better nutrition, exercise, weight management and the shunning of tobacco, alcohol and drugs.

Because Governor Deukmejian has eliminated funding for the council, Nolan has worked with its legislative champion, liberal Democrat John Vasconcellos of San Jose, to find private funds for it. "I told John that while I thought the name, Wellness Council, smacked of Brown's 'tofu politics,' what they were doing was very good," Nolan says.

Impressed by this has been Theodora Wilner, a leftist activist of the 1960s who directed the council under Brown. "He changed me," she says of Nolan. "I was very left of center and had no tolerance for the right wing 'nice people' . . . But Pat is a nice guy who manages to transcend partisan hostility."

Nolan also had surprised a few hardline conservatives by allying himself with Democratic Assemblyman Tom Hayden of Santa Monica, who gained renown as an antiwar protester (as did his wife, Jane Fonda) in the 1960s. Together, Nolan and Hayden have worked for legislation to help veterans harmed by Agent Orange, a chemical defoliant used in Vietnam.

Nolan himself is apparently not quite the veteran he wishes he could be. His official biography describes him as a member of the American Legion, and he once allowed himself to be introduced as a "highly-decorated combat veteran." But as *The Los Angeles Times* disclosed last year, his military service consisted of nine days in a Marine Corps training program (the equivalent of ROTC) in 1970. Nolan says he was discharged because of a bad knee.

(Nolan says now that he should have corrected the erroneous introduction. "I was not the focus of attention and

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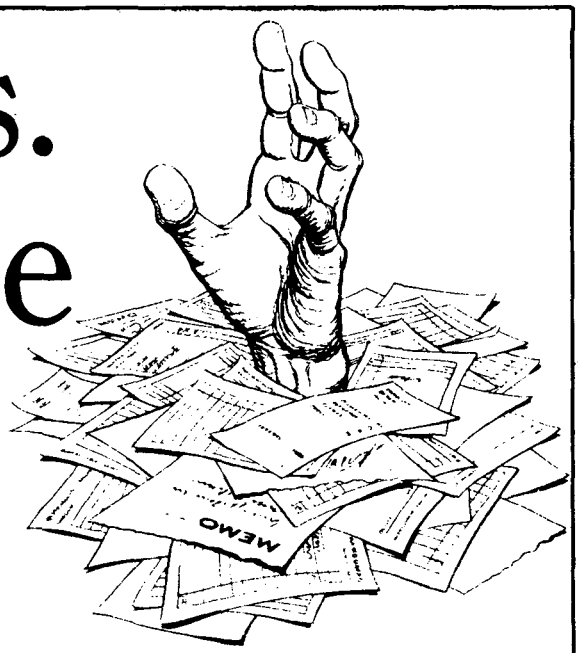

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no one in the audience cared who I was . . . I just didn't feel it was appropriate to interrupt," he says.)

For the rest, Nolan comes across as a gregarious, lively bachelor who clearly enjoys being center-stage and who has been there a few times in his life. As the sixth of nine children, he played piano and trombone and appeared at Disneyland as one of the Nine Dancing Nolans. At USC, Nolan donned the Grecian warrior garb of Tommy Trojan, the campus mascot, and rode a white horse in the 1974 Rose Parade. On St. Patrick's Day he wears a green kilt in the Assembly chamber. At the 1984 Republican National Convention he led the state's delegates in singing "California, Here We Come" at Billy Bob's honky tonk in Ft. Worth, Texas. Ever ready with a quip, he attended President Reagan's first inauguration in 1981 and asked the president: "And how do you like living in government housing?" (The president replied that he never thought he'd be living over the store.)

Given his outgoing personality, it's not surprising that Nolan gets on well with legislators from both parties. Foes like Democratic Assemblyman Richard Floyd of Los Angeles, who described Nolan's politics as "neanderthal," say Nolan is "the kind of guy you can walk out of here with at five and go have a drink and talk about football, women or whatever." Says Royce: "He fights hard and plays to win, but he believes that doesn't mean you can't be friends with people who disagree with you."

Leadership fight

As it turns out, Nolan's fight for his current job as GOP leader actually was won nearly a year ago at the June primary election of 1984. At that time, Nolan had been lobbying his Assembly Republican colleagues for more than a year to oust his predecessor, Bob Naylor of Menlo Park, as their leader. But his initial coup attempt, in July 1983, had come up two votes short.

However, in the June primary Nolan picked up two votes when candidates he backed — Gil Ferguson of Newport Beach and Wayne Grisham of Norwalk — won their primaries and went on to win in the general. "We beat them (Naylor's people) twice when they controlled the caucus," says Nolan ally Lewis. "That had to make an impression on some members." Naylor also lost support when one of his backers, Marian Bergeson, moved from the Assembly to the Senate. And finally, none of the candidates bankrolled by the Naylor-controlled Republican Political Action Committee succeeded in ousting a Democratic incumbent.

Nonetheless, Naylor has contended that he could have beaten Nolan when the 1985-86 session convened last December and new leaders were elected. But most observers at the Capitol believe that he saved himself a defeat by resigning beforehand and announcing plans to seek next year's GOP nomination for the U.S. Senate.

The fight between Nolan and Naylor often was characterized as a battle between the GOP's hard-line conservative wing — "the cavemen," many of whom were first elected during the Proposition 13 year of 1978 — and Naylor's more moderate Republicans. But Nolan and many of his supporters insist that the fight involved Naylor's leadership style and his ability (or lack of it) to get Republicans elected.

According to Lewis, Naylor as a leader was a procrastinator who didn't make decisions. "Willie (Brown) didn't know how to deal with the Republicans because he didn't know the bottom line. With Pat, the Democrats will always know where the Republicans are coming from," Lewis says.

Naylor supporters have agreed that Naylor may have been tentative in many of his actions. However, it wasn't because he didn't know what he wanted to do. It was because he was forced to look over his shoulder constantly for fear that the Nolan supporters within his own caucus might be attempting to sabotage one of his programs or ideas, they say.

One of Nolan's first decisive — some say ruthless — acts as minority leader was to fire top members of the Naylor-hired caucus staff. The criticism was aimed largely at method: changing the locks on the office doors and standing watch as the former staffers emptied their desks.

The Republicans' new chief of staff is Bill Saracino, another of Nolan's friends from the YAF and a fellow student at USC. Saracino formerly worked for one of Nolan's political mentors — Republican State Senator Bill Richardson of Glendora, one of the direct-mail, money-raising gurus of the right. Saracino headed two Richardson-created organizations — Gun Owners of California and Gun Owners of America.

Looking ahead to next year's elections, Nolan says that voter dislike for Chief Justice Rose Bird, whose name will be on the ballot in November, may give GOP legislative candidates even more of an edge than Reagan's popularity gave them in 1984. "The Democrats will be forced to support her and that will split them off from a vast majority of the voters," Nolan predicts.

Last year, says Nolan, Republicans lost five Assembly races by a total of only 22,000 votes. Although he has talked of winning majority control next time (eight seats), he also notes that even a five-seat gain would allow Republicans to form a coalition with conservative Democrats to enact a variety of conservative bills.

Democrats take Nolan's eight-seat and five-seat scenarios with a grain of salt. Without Reagan on the ticket, the GOP will get no lift on his coat tails. In fact, they point out, the opposition party typically does well in off-year elections during a president's second term. But neither do they expect easy victories. Assemblyman Gray Davis of Los Angeles, an astute Democratic campaigner, calls Nolan a "formidable opponent" and says he expects "serious challenges" from him in 1986.

Nobody knows what will happen next year, but supposing that Nolan does well and Republicans pick up four or five seats in the lower house, what new worlds might this rosy cheeked politician seek to conquer? Well, how about Patrick James Nolan for state attorney general?

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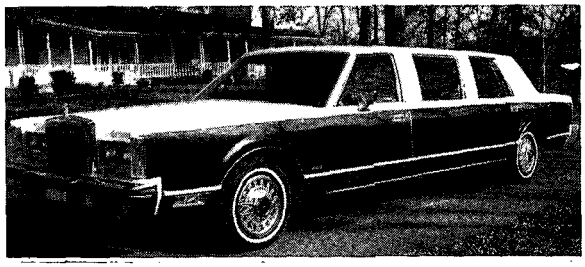

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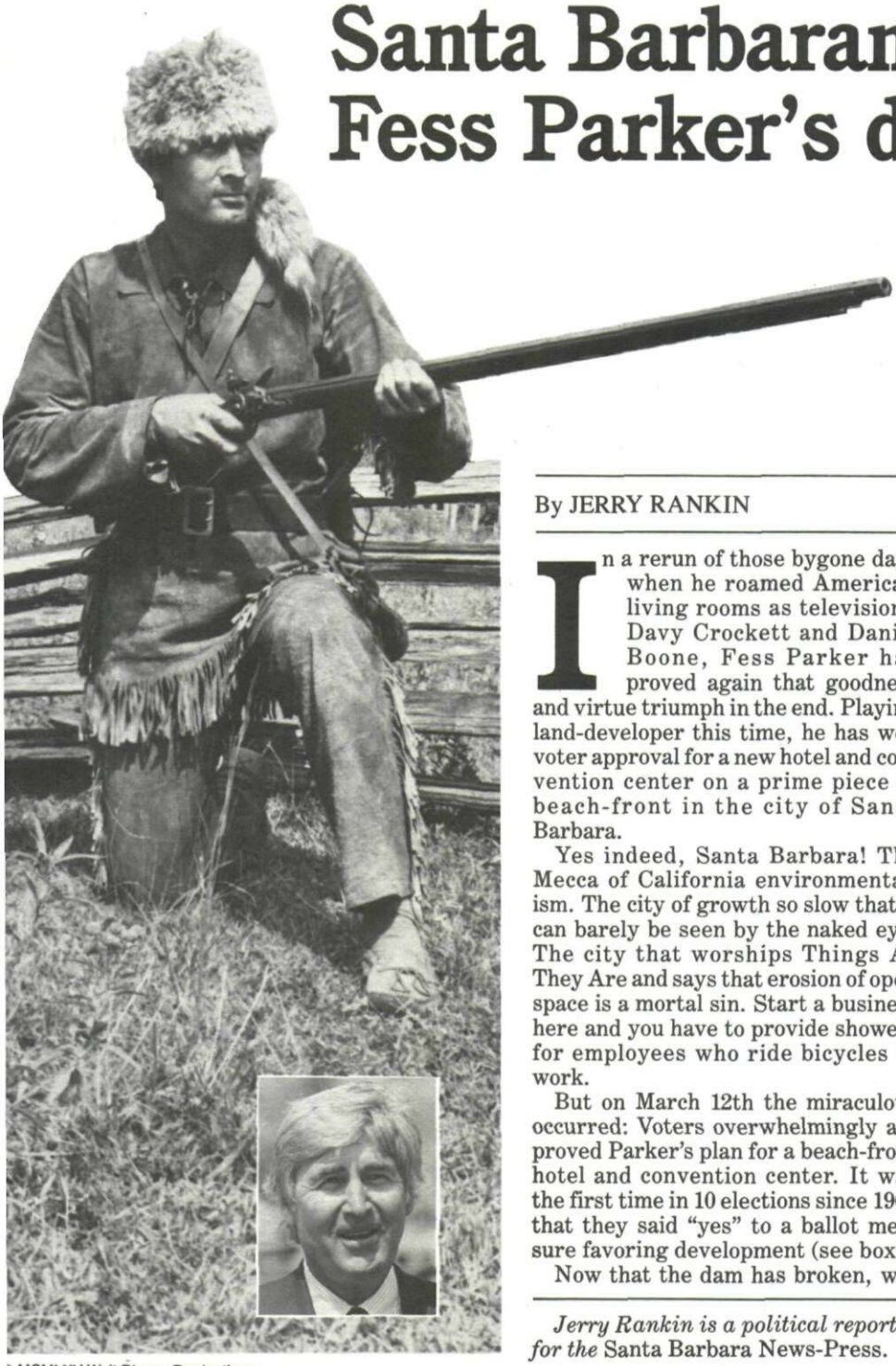
IN THE MECCA OF ENVIRONMENTALISM . . .

Santa Barbarans approve Fess Parker's development



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By JERRY RANKIN

In a rerun of those bygone days when he roamed America's living rooms as television's Davy Crockett and Daniel Boone, Fess Parker has proved again that goodness and virtue triumph in the end. Playing land-developer this time, he has won voter approval for a new hotel and convention center on a prime piece of beach-front in the city of Santa Barbara.

Yes indeed, Santa Barbara! The Mecca of California environmentalism. The city of growth so slow that it can barely be seen by the naked eye. The city that worships Things As They Are and says that erosion of open space is a mortal sin. Start a business here and you have to provide showers for employees who ride bicycles to work.

But on March 12th the miraculous occurred: Voters overwhelmingly approved Parker's plan for a beach-front hotel and convention center. It was the first time in 10 elections since 1967 that they said "yes" to a ballot measure favoring development (see box).

Now that the dam has broken, will the city junk its rigid growth controls and become a Marina del Rey-North? The environmental hardliners who opposed Parker have predicted so. They have warned that buying Fess' Park Plaza project would cause the city to become a "low-rise Waikiki." (It can't become a high-rise Waikiki because the law forbids buildings of more than four stories.)

Those who trusted Fess, the opponents continued, would open the door to hordes of hookers, click-clacking their way up the Pacific Coast Highway from Hollywood Boulevard to service the swelling tide of lusty conventioneers that Parker's new hotel and convention center would bring in. As the "No-to-a-Convention-City Committee" warned before the election: "Conventioneers are different from traditional tourists. Conventioneers come as a group at the direction of their organizations and are notorious for their extra-conventional activities. We could expect a marked increase in drunk-driving and prostitution."

But Parker and the environmentalists who backed him deny that the vote marks any watershed in city politics. Ben Bycel, the youthful attorney who masterminded Parker's campaign, says, "I don't see a mandate for paving over Santa Barbara. This is not going to become Las Vegas-by-the-sea. The

Jerry Rankin is a political reporter for the Santa Barbara News-Press.

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vote primarily was a vote for Fess. It was a vote for Fess playing by the rules all these years."

Bycel's sentiments were echoed by another Parker supporter — Mayor Sheila Lodge, an advocate of rigid growth controls who was opposed by the local Chamber of Commerce and developers when last she ran. She says the vote represented public recognition that Parker had compromised almost endlessly to meet the city's strict zoning and developmental controls. "We spent five years arguing with Mr. Parker, beating him around the head a bit," she says of herself and the other city officials who eventually approved Parker's project.

The long march

Parker, a 25-year resident of Santa Barbara, sees things much the same. The vote, he says, shouldn't be seen as a choice between no-growth and development. "It's kind of celebration of community democracy. The project was planned by the community," he says.

Indeed it was, and it resembled nothing so much as the long march of Mao Tse Tung. As first proposed by others in 1972, the hotel would have had 1000 rooms and blended nicely into, say, San Jose or the San Fernando Valley. Five years later, the original proponents gave up and Parker took over. But he didn't get far at first, either. As the 60-year-old actor told the council recently, "When I first appeared before you, I was a young man . . . Now, I'm a senior citizen."

For years, he slogged through the Planning Commission, Architectural Board of Review, Environmental Review Committee, Landmarks Commission, City Council, Coastal Commission — and back again. The rooms were whittled from the original 1000 to 360. The size of the convention center was cut from 2000 capacity to 1000. The hotel was set back far from the boulevard. Retail shops were cut out. Landscaping was expanded.

Parker was also ordered to pay for installation of four traffic lights. To keep the city informed of traffic flow, Parker must submit monthly reports that tell where each guest comes from and the type of transportation that brought the guest there. Some 11 acres on the 32.5 -acre site had to be donated to the city as a park (including the crucial stretch facing the beach) — with Parker paying for upkeep.

The detailed list of conditions includes giving all employees free bus passes and setting aside at least 10 percent of all employee parking space for carpools. Toilets must be the vacuum water-saving type; laundry water must be recycled; showers must be equipped with automatic flow-reduction for hot water.

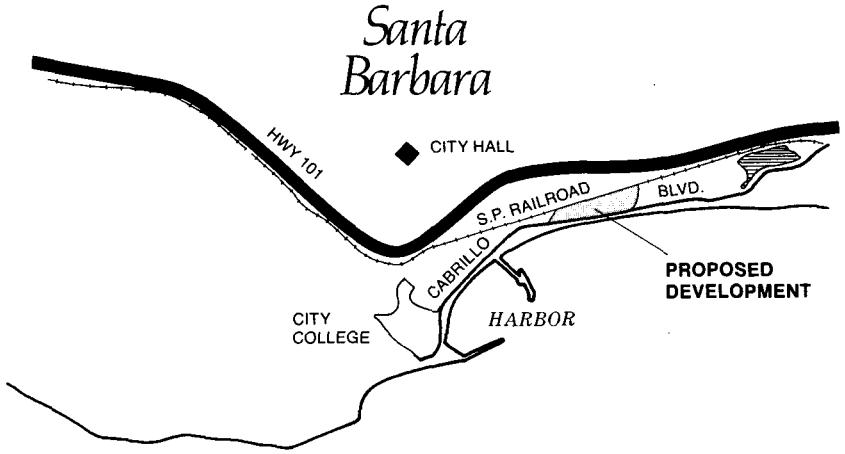
One condition is typical:

"One bicycle parking space for every seven automobile spaces shall be provided. In addition, lockable employee bicycle parking spaces shall be provided within an enclosed, covered area. All bicycle rack areas shall be located in an area within direct view of security personnel. Bike rentals shall be provided for hotel guests."

By 1981 Parker had met every environmental test and the city council had approved. And since the land already was zoned for visitor use, the Coastal Commission also gave its blessing.

Referendum

But then, just as bulldozers began chewing up the ground, a group of environmental activists launched a signature drive to let the people decide through a referendum. However, the city council contended that voters had no right to challenge this legislative act and refused to count the signatures that were submitted. But last



SANTA BARBARA'S RECORD ON DEVELOPMENT

Over the past 18 years Santa Barbarans have gone to the polls 10 times to vote on some kind of scheme related to development and growth. The first nine were emphatic defeats for development. But the tenth — Parker's — went overwhelmingly the other way (72-28 percent). An unusual 45 percent of registered voters cast ballots, three times the turnout for the most recent special election.

The previous nine were:

- **1967** — defeated a bond issue to enlarge the harbor;
- **1968** — defeated an oil-processing plant;
- **1970** — defeated, with the rest of Santa Barbara County voters, a 1500-home project on the coast outside city limits;
- **1974** — passed a request that the city council buy a choice beach-front property as a park;
- **1975** — defeated, with county voters, a second oil-processing plant;
- **1977** — ratified a down-zoning that theoretically limits future population to no more than 85,000;
- **1979** — defeated an effort to raise money by selling off small parcels of city-owned parkland, some of which were so tiny, they would never be parks;
- **1979** — joined with county voters to reject the importation of state water (the only county to do so);
- **1983** — defeated a proposed Bullock's Department Store — even though most people agreed that the city badly needed another major downtown store.

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year the California Supreme Court overruled the council, saying that voters have a right to decide land-use matters.

The ruling cleared the way for the recently-concluded campaign, and Fess had the troops this time. He was backed by rival developers, the Chamber of Commerce, a majority of the city council, leading environmentalists, most of the influential neighborhood associations and the respected guardian of the city's growth restrictions — the Citizens Planning Association.

However, Parker's widespread support did not come automatically. He had initially hired John Davies, a local political consultant, to run his campaign. Davies seemed like just the right choice: handler of several local Democratic legislative candidates and helper in a successful 1983 campaign to stop Bullock's from putting a department store on a choice downtown corner.

But Davies also had infuriated several liberal environmentalists in 1984 by running a hardball campaign to recall the members of a local water board who had been keeping a tight lid on growth in neighboring Goleta Valley. Although the campaign, financed by a developer, was unsuccessful, Davies tactics so angered some of the environmentalists that it seemed they might not support Parker if Davies remained on his side.

As a result, Parker fired Davies, but with a golden handshake. "I was paid $25,000 not to run the campaign," Davies says. He also says he's hired a lawyer and may sue those he accuses of depriving him of the job.

Also on the financial side, Parker put $50,000 of his own money into the campaign. He and his partner in the hotel-convention center venture, Red Lion Inns, also contributed $36,000 from their construction funds. In all, Parker mustered about $105,000 for the effort.

The opposition was varied: leaders of the local chapters of the Audubon Society and the Sierra Club and some long-time environmental activists. In all, they raised $11,000 for their effort.

Given Parker's widespread support and his 10-to-1 advantage in funds, it might have seemed that victory was assured from the start. But his new campaign manager, Bycel, saw lots to be done.

Among other things, he yanked the campaign headquarters out of the Republican Central Committee office (Parker is a good friend of President Reagan's) and changed the campaign-committee name to create a little broader appeal. What was the "Parker Plaza Hotel Committee" became "Citizens for Park Plaza."

And once again Fess was on TV, with that same amiable, folksy charm that marked his portrayals in the coonskin-cap days. Standing near the site of the proposed hotel and convention center — a vacant, littered landscape next to the railroad tracks — Parker told his audience:

"This piece of land had been a repository for old tires, trash and rusted automobiles. What would you rather have there, a junkyard or a landscaped piece of property that will save the city some revenue?"

And Bycel put him on the streets. Startled residents responding to a knock on the door found the tall, gray-haired man with the familiar face — sometimes delivering the afternoon paper he picked up from the driveway — asking for their help.

Opponents, aside from raising the spectre of "hard-partying" conventioneers and the hookers, hammered at the theme that the project was too big and would end the city's traditional reliance on family-type tourism. They warned of lost views, more traffic and violation of "the Santa Barbara tradition."

What must have been their most effective argument — that the property should and could be preserved for a park — was handled ineptly, raising more questions than it answered for many people. A foundation suddenly appeared to announce that it was working to buy the property (which had an estimated value of about $35 million). An attractive plan was drawn up for a park. But promoters refused to identify the "leading landscape architect" who they said drew up the plan. They refused to say how much money they had, or to identify potential "five-figure" donors.

While a majority of the citizens might well have voted for a park over Parker if given a choice, the foes' park idea didn't catch on. About all it did was raise doubts about the tactics and veracity of Parker's opponents. In all, the "friendly Fess" factor dominated the campaign.

Perhaps, as voters eyed the run-down, littered piece of property, considered Parker's conscientious playing of the game by the rules, admired the beauty and low density of his project and the added parkland, they shared Mayor Lodge's quintessential Santa Barbara outlook:

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San Diego's Ban on Municipal Write-ins

"It was enacted in the early 1960s in a sequence of City Council actions so difficult to track that this ordinance might have been derived from the Rosetta Stone."

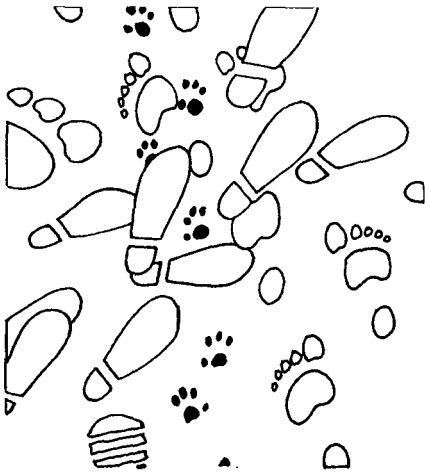
By LIONEL VAN DEERLIN

San Diegans like to call theirs "America's Finest City." If true, one reason may be that its local government leaves nothing to chance. San Diego prohibits voters in local elections from using the write-in. Ballots contain no open line below the listed candidates. A citizen deploring the choices available to him can hold his nose, but he cannot add names.

Slipped into the Municipal Code nearly 25 years ago, this restriction caused only raised eyebrows until the 1984 election for mayor. There then developed the sort of situation made-to-order for a write-in. Mayor Roger Hedgecock had won the office in a 1983 special election to replace former Mayor, now U.S. Senator, Pete Wilson. Hedgecock's ship of state sailed tranquil waters until the Ponzi-like financial schemes of J. David Dominelli surfaced. The Dominelli investigation became enmeshed inextricably with the mayor's campaign finances — but the filing deadline had passed in the 1984 city election before Hedgecock was indicted. No major candidate had entered the race against him. And because none could thereafter mount a write-in campaign, the November choice was between a mayor already being tried on an 11-count criminal charge, including perjury, and a listed opponent perceived (by 58 percent of voters, it turned out) as unqualified for the office. Hedgecock subsequently escaped conviction by a jury that hung 11-1 against him and ostensibly has more than three years left to serve.

The law

Section 27.2205 of the city code is direct and to the point: *No write-in candidates shall be permitted. A ballot containing the name of any person not printed on the official ballot shall be counted as if the name did not appear.* Even candidates running unopposed are thus protected against the occasionally unhappy voter.



Though almost everyone now seems miffed over this, it's impossible to determine how Section 27.2205 came about. It was enacted in the early 1960s in a sequence of City Council actions so difficult to track that this ordinance might have been derived from the Rosetta Stone. Frank Curran, who was mayor then, says he remembers nothing about it. And astonishingly little concerning the matter appears in the written minutes of council meetings for February 7, 1961, when the policy was formally adopted, or for June 3, 1965, when it was amended to the present language. Chuck Adelnour, city clerk since 1977, says the records turned over to him are but a loosely drawn series of typed agenda sheets for the sessions of preceding years. On these, council actions are indicated by handwritten notes scrawled in the margins. About 150 packing boxes provide a repository for this mass of documents — with no index, no tracking system, no way to trace the history of public business that didn't happen to make headlines at the time.

Who moved, who seconded the ban on write-ins? And which members voted for it? The answers are buried somewhere in those musty cardboard crates.

Whatever the origin, San Diego's current city attorney, John Witt, is pleased to point out that Section 27.2205 was in place before he took office. But it is part of a city attorney's job to explain and defend local laws, even the bad ones. And despite the paucity of source material on this one, the single document purporting to explain 27.2205 is a letter Witt's office devised 15 years ago in response to a citizen complaint that the ballot prohibition is unconstitutional.

"The purpose of the code section is not to deprive a person of his right to vote for a candidate of his choice," Witt's response purred, "but to insure that candidates who are elected to office meet the necessary Charter requirements for holding office, and also have displayed their willingness to serve if elected."

Voodoo

Like the witch doctor's voodoo for keeping tigers away, Section 27.2205 certainly has worked. Since 1965 no one has been elected in San Diego who was unwilling to take the job. So move on to the Witt letter's final paragraph:

"Another very practical reason for not permitting write-in candidates is the difficulty of counting ballots. In this age of mechanization, ballots are counted exclusively by the use of ballot-counting machines which are unable to read and tabulate write-in votes. The procedure of hand-counting ballots is considerably more expensive than machine counting, and is also considerably slower."

The translation? Citizens of San Diego will enjoy as much democracy as the new technologies permit.

But not all are willing to forego the rights available to Americans elsewhere. Spurred by the Hedgecock debacle, steps to negate Section 27.2205 are under way on three fronts. Republican state Senator Jim Ellis of San Diego sponsored legislation mandating open ballots throughout California. San Diego Councilman Uvaldo Martinez has laid the matter before the council's rules committee for possible repeal. And in an action which may resolve the question more quickly, the state Supreme Court is

Lionel Van Deerlin, formerly a congressman, busies himself these days growing avocados and doing a twice-weekly column for the San Diego Tribune.

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considering a lawsuit challenging the write-in restriction.

The plaintiff in the court action, Jack Canaan, is a public-relations man long-identified with Democratic politics in San Diego. The lawyer handling it is Mike Schaefer, himself a one-time councilman. Originally hoping for a decision in time to open up the 1984 mayoral election, the pair had filed their case directly with the Supreme Court in April. Instead of deciding it, however, the justices directed that the suit be heard first by the Fourth District Court of Appeals.

The plaintiffs thought they had covered all bases. They had pursuaded a well-known and respected San Diegan, William P. Brotherton, to attest that he was a willing candidate for mayor who, though he had not filed for the office, would dutifully serve the four-year term if elected. The suit portrayed Canaan as an aggrieved citizen who wished to cast his vote for Brotherton but was being denied that constitutional right by Section 27.2205.

Rejection

After a single day's consideration of Canaan's plight and without so much as a word of sympathy, the appellate court rejected his case. The judges said they could find no basis for interfering with San Diego's right, as a charter city, to set its own election procedures. (Unlike "general law" cities, a charter city is one whose powers come directly from the state constitution.) But Canaan and Schaefer appealed the Fourth District ruling once again to the Supreme Court. And in a surprising mid-December move, the high justices agreed to review their case.

If the final judgment is to validate the write-in as a constitutional safety valve, it should mark the end of efforts that have persisted more than a century in California to tie voters' hands. Twice, before an election reform in 1891, political bosses devised a variety of tricks to assure that things went their way. Gary Kurutz, who assembles such displays in the State Library, points to past ballot practices more imaginative than any devised in San Diego. In the mid-19th Century, election ballots were printed not by cities and counties but by the political parties. Challengers to the party slate would distribute gummed stickers, or "pasters," bearing the names of other candidates, to be placed over names on the printed ballot. To outwit the independent voter, party leaders resorted to typographical strategems. Lists of candidates were sometimes placed in circles or in wavy lines so that a paster couldn't block out any of them entirely — or in type so small that the paster would cover over several names, and thus void the ballot.

The *piece de resistance*, Kurutz asserts, was the so-called "tapeworm ballot" introduced in Vallejo. Voters there, for an election on September 6, 1871, were handed a ballot measuring barely five inches long and five-eighths of an inch wide. In the smallest type available, it carried the names and offices of 26 candidates from governor down to constable, plus two constitutional amendments. There was, of course, no space for a paster. The following month Vallejo used an even tinier ballot for a judicial election. It contained five names and offices on a strip three and a half inches long and less than a quarter-inch wide.

Try putting "William P. Brotherton" or even "John Doe" on that one.

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Two agencies, two estimates; which one does it better?

By ROBERT B. GUNNISON

Twenty years ago, when he was speaker of the Assembly, state Treasurer Jesse Unruh used to complain that California governors often hoodwinked the Legislature by manipulating their gubernatorial estimates of expected state revenues. If a governor wished to keep the Legislature from spending more than he thought it should, he merely lowered the estimate. If he wished to encourage spending, particularly in some area of his choice, he gave his revenue estimates a rosier hue.

But all that has changed, at least in theory. In 1980 the Legislature finally followed Unruh's advice and created the Commission on State Finance to make independent fiscal projections — independent, that is, of the Department of Finance, which the governor controls.

And so has everyone been spending happily ever after? Not quite. Last fall William Hamm, the legislative analyst, reported that the revenue estimates of the new agency were not as accurate as those of the Department of Finance. Thus instead of having one set of revenue estimates to be wary of, as it had in the past, the Legislature now has two. Some might see this as another amusing example of government at work, but there is more to it than that. Democrats in the Legislature have been saying that there may be enough new revenue in the offing to permit a tax cut next year, a notion that Governor Deukmejian disputes. Thus Californians may or may not pay lower taxes depending, in part, on whose revenue estimates are accepted.

The tax-cut talk was especially loud last December when the independent commission estimated that revenue for this fiscal year, which ends June 30th, would be $340 million higher than the Department of Finance projected. Some were estimating privately even a bigger windfall.

However, in its latest report issued last March, the commission was only $71 million more than the Deukmejian administration. Although the number has defused some of the tax-cut talk for now, there's no telling what may happen if the commission and finance department begin to diverge again.

The commission has seven members, a staff of six economists and an annual budget of $590,000. The executive secretary is James Burton, a former top aide to Governor Jerry Brown. Its members are Unruh, who serves as chairman; Jesse Huff, the director of finance; Controller Kenneth Cory; Democratic Senator Alfred Alquist of San Jose, chairman of the Budget and Appropriations committees; Democratic Assemblyman John Vasconcellos of San Jose, chairman of the Ways and Means Committee; Senate Republican leader Jim Nielsen of Woodland; and Republican Assemblyman William Baker of Danville, vice chairman of Ways and Means.

Until Hamm's report, the commission's only brush with controversy involved its failure in the fall of 1982 to issue its September forecast. Some contend that the commission, which was dominated by Democratic officeholders, wanted to avoid any pre-election announcement that would make Democratic incumbents look bad. (The news was that the state was facing a budget deficit of $1 billion.) Others say that the report was not issued because it was impossible to convene the necessary commission meeting during the hectic campaign.

The news leaked out, however, and a few days before the election, *The Los Angeles Times* trumpeted the size of the deficit forecast. Governor Brown, running for the U.S. Senate against Republican Pete Wilson, was incensed about the disclosure. The revelation lent credibility to George Deukmejian's claims of financial mismanagement by the Brown administration.

Hamm's report was not intended as an attack on the commission. His initial purpose was to explain for legislators the difficulties of making economic forecasts. His comparison of the commission with the finance department was almost an afterthought. Nevertheless, he angered officials in both agencies.

The notion of keeping score, as Hamm did, was regarded as a bit unseemly, like recording the won-lost record of a surgeon.

What Hamm said was that the "commission's forecasts, like the department's, frequently have missed the mark. In the majority of cases, the discrepancy between estimated and actual revenues has been a bit larger for the commission than for the department. In short, there is *no* (Hamm's emphasis) evidence that the department's track record is worse than the Commission on State Finance's, and there's some evidence that its performance has actually been a bit better."

Prisoners

But his main point was that forecasters are prisoners of uncontrollable and unforeseen events. As other forecasters have pointed out, even government-issued statistics tend to shift dramatically. Consider that the federal government in December issued a Gross National Product growth figure of 2.8 percent. In January the number was pegged at 3.9 percent, and by late February the final GNP jump was set at 4.9 percent. Wild cards such as the 1973 Arab oil embargo, court decisions and ballot initiatives make the job even tougher.

As Hamm phrased it: "There are several reasons why it is so common for the actual performance of the economy to fall outside the spectrum of published forecasts. The most important, however, is that despite the use of sophisticated forecasting techniques, economists simply do not have a good enough understanding of the economy's behavior to predict it accurately on a consistent basis."

Not surprisingly, none of this could placate Unruh, the father of the commission and its current chairman. He shot off an angry letter in January to Hamm in which he declared:

"The fact is, the commission was the first to alert the

Robert Gunnison is a Capitol reporter for the San Francisco Chronicle.

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Legislature of a potential fiscal crisis in 1982-83. In each of the three revisions during 1981-82 the commission was providing a more accurate picture of the General Fund outlook — more accurate than the Department of Finance and more accurate than your office."

He said Hamm made mistakes in his tables, and, in one case, Hamm agreed. "Much as it pains me to acknowledge it, we *did* (Hamm's emphasis) make a factual error in the report," the analyst acknowledged in a reply to the treasurer. He agreed that the commission came closer than the department at one stage of the 1982-83 budget process. In his original report, he said the department and the commission were almost identical.

Unruh's anger

But Unruh had more angry words. "In donning the cap of referee, you conveniently forgot to note that you also are a player in the game . . . You are quick, with the benefit of hindsight, to point out deficiencies of forecasts made by others in past years. It would be instructive, however, to see what you had to say when it really counted — when the forecasts were actually presented to the Legislature."

Unruh, the combative former speaker of the Assembly, said Hamm "most of the time . . . simply 'rubber-stamped' " the estimates of the department. "Of special significance, is the Department of Finance's forecast for 1978-79, when the now-legendary 'obscene surplus' was building. That year the Department of Finance underestimated revenues by almost $1 billion, but you called their estimate too high (by $200 million to $400 million). In view of your own track record, I scarcely think that you have demonstrated the credentials to judge forecasts of others."

In his reply, Hamm did not address Unruh's assertion about the 1978-79 budget. Instead, he insisted his own forecasts are "irrelevant to the central issue addressed by our report: Why aren't revenue forecasts more accurate?"

"We do not build revenue forecasts from the ground up, as the Department of Finance does and as the Commission on State Finance does. We are not, and never have been, staffed to do this," Hamm wrote.

"We do subject the department's economic forecasts to our own revenue-estimating models and report the results to the Legislature. In doing so, our objective is to determine consistency of the department's revenue forecast with its underlying economic forecast. This helps the Legislature guard against efforts to manipulate the numbers for political purposes."

Then Hamm did something he did not do in his first report. He totalled the revenue estimates by the department and the commission since the 1981-82 budget and compared the forecast totals with actual revenues. By two methods he found that the department had been closer to actual revenues. That, he said, supported his original conclusion.

Meanwhile, California is the owner of two revenue-forecasting agencies and probably will be for some time to come. Assemblyman Vasconcellos, who once targeted the commission for oblivion as a cost-cutting step, now says he is "satisfied" with the agency's work. "I wouldn't want to say impressed," he adds.

But he continues, "I hate to pay twice to get something done once, and I'm not sure the governor does anything differently on account of it. And that's the real test."

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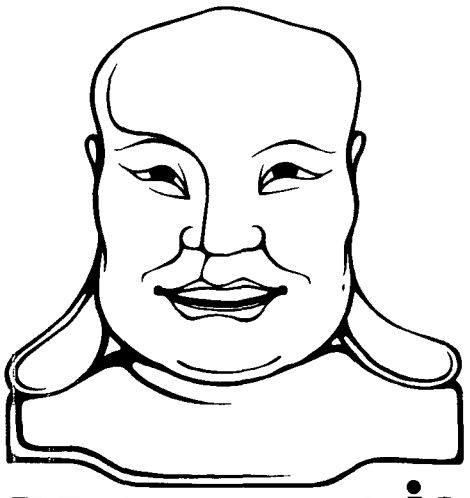

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(A review of top stories during the past 30 days)

GOP UNVEILS 1986 PROGRAM

(March 19th): Assembly Republican leader Pat Nolan of Glendale unveiled the GOP's top-priority bills for 1986. Included in the 50-bill package are measures to implement the 1978 death-penalty law; reform the state income tax; toughen penalties for crimes against children, the elderly and blind; declare English the state's official language and limit benefits to illegal aliens; and require welfare recipients to do community work in exchange for benefits. Nolan admitted he saw little chance for passage of the entire package.

GARAMENDI TO RUN FOR GOVERNOR

(March 20th): Democratic state Senator John Garamendi told *The Los Angeles Times* that he is lining up support to run for governor again in 1986. The 40-year-old Garamendi, who won 26 percent of the vote in the 1982 primary against Tom Bradley, has said that he would not challenge Bradley in '86, but Bradley, reelected mayor of Los Angeles, has been vague about his plans.

JUSTICE DONALD WRIGHT DIES

(March 21st): Former state Supreme Court Chief Justice Donald Wright died of heart disease in Pasadena at age 78. Wright was appointed to the high Court in 1970 by then-Governor Ronald Reagan and served until his retirement in 1977. In 1972 Wright angered Reagan by writing the majority opinion that declared the state's death-penaty law unconstitutional as "cruel and unusual punishment." Four years later, the decision was reversed by an initiative.

SENATE FIREWORKS

(March 21st): A lingering feud between two senators, Democrat Paul Carpenter and Republican H.L. Richardson, erupted on the Senate floor as Carpenter challenged Richardson to a boxing match. Richardson declined. The brouhaha flared after Carpenter told a reporter that Richardson was among those being investigated in connection with the Moriarity scandals (see *CJ*, March 1985). In a scathing letter, Richardson demanded an apology. Carpenter read the letter on the Senate floor, characterizing it as "a glove across the face."

INTERIM LOTTERY DIRECTOR NAMED

(March 22nd): In a surprise move, Governor Deukmejian named Lottery Commission Chairman Howard Varner as interim director of the California Lottery. Varner's appointment was made after the governor's top choice — Thomas O'Heir, assistant director of the Massachusetts lottery — turned the job down because the $73,780 director's salary was too low. Varner has resigned from the commission but will be reappointed once a permanent director is named.

$1 MILLION FOR CAL

(March 22nd): UC Berkeley officials announced that former Governor Pat Brown and his wife, Bernice, have given the university a $1 million gift. The money will be used to expand the biological research and teaching facility, develop a gallery in Doe Memorial Library and endow scholarships for Indonesian students. Brown's wife and two of his children, Barbara Casey and former Governor Jerry Brown, are Berkeley graduates. Brown, as governor, served happily on the UC Board of Regents.

U.S. SUPREME COURT CONSIDERS GERRYMANDER

(March 25th): In a ruling that will eventually affect reapportionment squabbles in California, the U.S. Supreme Court agreed to consider whether a state legislature may use its redistricting power to give a dominant edge to one political party. The suit involves a Republican-sponsored gerrymander in Indiana. At the same time, the justices refused to take up a similar case filed by California Republicans.

FPPC: LICENSE POLITICAL PROS

(March 27th): The state Fair Political Practices Commission voted to seek a law that would license and regulate political consultants (see "Capitol Review," *CJ*, April 1985). Commission Chairman Dan Stanford said that the law, if enacted, would deter those who engage in dishonest and unethical campaign practices.

KESTERSON WATER ACCORD

(March 28th): Carol Hallett, western regional representative for the Department of Interior, announced a one-year delay in the deparment's plan to cut-off irrigation water for farms that drain into Kesterson National Wildlife Refuge (see "Capitol Month," *CJ*, April 1985). The compromise allows farmers to begin planting for the 1985 growing season. An estimated $45 million worth of cotton and other crops are harvested annually on the 42,000 acres of affected land.

FPPC FILES RECORD SUIT

(April 1st): The state Fair Political Practices Commission hit the chairman of the Sacramento County Board of Supervisors with the largest civil suit in FPPC history, claiming that 47-year-old William Bryan had violated "virtually every major provision" of the 1974 Political Reform Act. The suit, which seeks $2.9 million in fines, listed 56 allegations of conflicts-of-interest and failing to report financial dealings. Bryan, elected to the board in 1980, said he never intentionally violated the Act and vowed to give the FPPC "the fight of their lives."

BRADLEY REELECTED

(April 9th): Los Angeles Mayor Tom Bradley was reelected to an unprecedented fourth term with a lopsided, two-to-one victory over City Councilman John Ferraro. Bradley is considered a likely candidate for the Democractic gubernatorial nomination in 1986, although the 67-year-old mayor said repeatedly during his campaign that he was not planning to run. Bradley narrowly lost the governorship to George Deukmejian in 1982.

A.G. Block

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ROLL CALL

ASSEMBLY

AIDS CONFIDENTIALITY

AB 403 (Agnos). Makes confidential information related to the testing of persons for AIDS. Supporters say the measure is designed to protect the privacy of homosexuals who submit to blood testing for AIDS. Opponents object to the withholding of blood test results. Passed March 28th, 63-5.

DEMOCRATS FOR: Agnos, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Duffy (Moorhead), Eaves, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Johnston, Katz, Killea, Margolin, McAlister, Molina, Moore, O'Connell, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Allen, Bradley, Ferguson, Filante, Frazee, Frizzelle, Grisham, Herger, Hill, Kelley, Lancaster, Leonard, McClintock, Mojonnier, Mountjoy, Naylor, Rogers, Statham, Stirling, Wyman.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Baker, Johnson, Konnyu, Seastrand, Sebastiani.

(All other members either absent or not voting)

JUDGES

AB 434 (Robinson). Prohibits political parties from endorsing judicial candidates. Sponsors point out that judges are non-partisan, so should not receive political endorsements. Opponents believe there is some value in political endorsements. Passed March 28th, 67-5.

DEMOCRATS FOR: Agnos, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Duffy (Moorhead), Eaves, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Johnston, Katz, Killea, Margolin, McAlister, Molina, Moore, O'Connell, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Allen, Baker, Bradley, Felando, Ferguson, Filante, Frazee, Frizzelle, Grisham, Herger, Hill, Johnson, La Follette, Lancaster, Lewis, McClintock, Mojonnier, Mountjoy, Naylor, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Kelley, Konnyu, Leonard, Nolan, Wyman.

(All other members either absent or not voting)

LOBBYISTS

AB 92 (Mojonnier). Increases the maximum amount on lobbyist gifts to legislators and state officials from $10 in a calendar month to $30 in any calendar quarter. Supporters contend this change is necessary to reflect the increased costs of entertainment and other expenses. Opponents argue that the $10 limit on gifts was never intended to permit lobbyist to buy meals for legislators but was intended to limit gifts to items of little value. Failed March 14th, 35-35.

DEMOCRATS FOR: Willie Brown, Calderon, Campbell, Costa, Hannigan, Harris, Hughes, Isenberg, Klehs, McAlister, Moore, Papan, Peace, Robinson, Tanner, Tucker, Norman Waters.

REPUBLICANS FOR: Bradley, Dennis Brown, Felando, Ferguson, Filante, Frizzelle, Grisham, Hill, La Follette, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Nolan, Sebastiani, Stirling, Wright.

DEMOCRATS AGAINST: Alatorre, Areias, Bane, Bates, Chacon, Clute, Condit, Connelly, Davis, Duffy (Moorhead), Eaves, Elder, Floyd, Hauser, Hayden, Johnston, Katz, Margolin, Molina, O'Connell, Roos, Sher, Maxine Waters.

REPUBLICANS AGAINST: Allen, Bader, Baker, Frazee, Herger, Johnson, Jones, Kelley, Konnyu, Rogers, Seastrand, Wyman.

(All other members either absent or not voting)

SENATE

AIDS CONFIDENTIALITY

AB 403 (Agnos). Makes confidential information related to the testing of persons for AIDS. Passed March 21st, 30-7.

DEMOCRATS FOR: Alquist, Boatwright, Carpenter, Deddeh, Dills, Foran, Bill Greene, Leroy Greene, Hart, Keene, Lockyer, McCorquodale, Mello, Petris, Presley, Robbins, Roberti, Rosenthal, Torres, Watson.

REPUBLICANS FOR: Bergeson, Beverly, Campbell, Davis, Maddy, Marks, Morgan, Nielsen, Russell, Seymour.

DEMOCRATS AGAINST: Ayala, Stiern.

REPUBLICANS AGAINST: Craven, Doolittle, Ellis, Richardson, Royce.

(All other members either absent or not voting)

GOVERNOR'S APPOINTMENT

Senate voted March 14th, 21-15, to confirm the governor's appointment of Joe Campoy as warden of Folsom Prison. The appointment was controversial due, in part, to allegations of nepotism and sexual harassment against female correctional employees.

DEMOCRATS FOR: Ayala, Boatwright, Deddeh, Foran, McCorquodale, Mello, Montoya, Presley.

REPUBLICANS FOR: Bergeson, Beverly, Campbell, Craven, Davis, Doolittle, Ellis, Maddy, Nielsen, Richardson, Royce, Russell, Seymour.

DEMOCRATS AGAINST: Alquist, Carpenter, Garamendi, Bill Greene, Leroy Greene, Hart, Lockyer, Petris, Robbins, Roberti, Rosenthal, Stiern, Torres, Vuich, Watson.

REPUBLICANS AGAINST: None.

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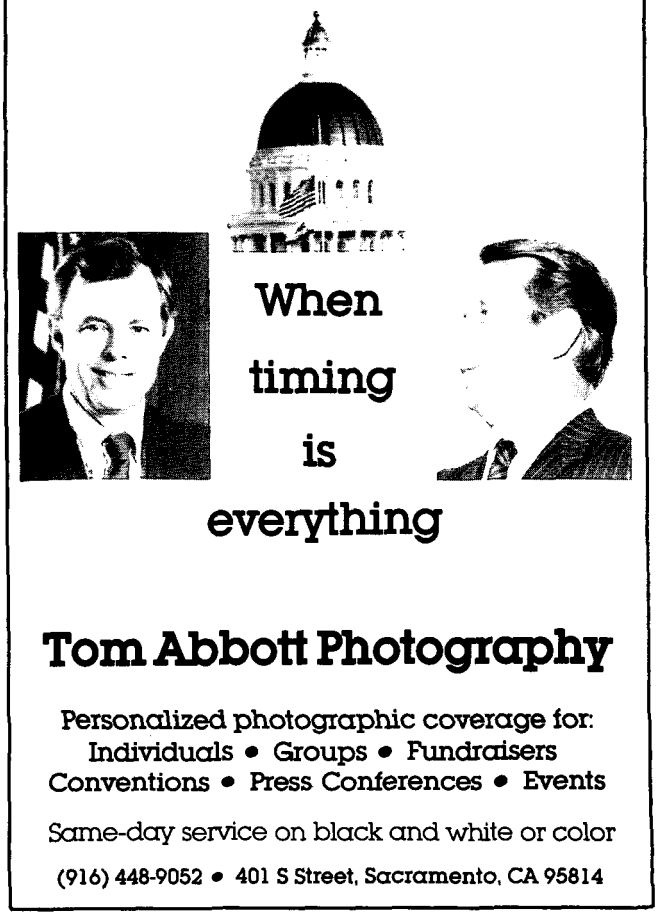

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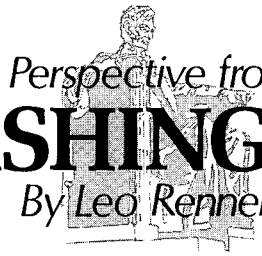

Perspective from
WASHINGTON
By Leo Rennert

Trouble in Paradise

To the casual traveler, the west side of the San Joaquin Valley looks like a flourishing, man-made Eden. Rich farmlands with diversified crops dot the landscape. What was once dry, inhospitable terrain has been transformed into lush agricultural acreage. The magic wand for this metamorphosis was water — huge amounts of it provided at relatively low cost by the U.S. Bureau of Reclamation through the ever-expanding network of dams and canals of the Central Valleys Project. It was a sure-fire formula that beat nature at its own game, spawned a new breed of pioneers and brought riches to the West. A miracle of can-do ingenuity. Or so it seemed. Before Kesterson . . .

FOR MANY YEARS, TROUBLE was gurgling just beneath the surface in this new El Dorado. The valley's soils lie on an impenetrable layer of clay. There's no natural drainage for irrigation water, which becomes contaminated with salts and minerals. Imported water sparked new life but also turned into poison. There was no secret about this unwelcome alchemy. Farmers who benefited from bureau water knew a day of reckoning was coming. So did the bureau, which set out to build an expensive drain to carry off agricultural wastewaters on a long northward course to the Sacramento-San Joaquin Delta. What could be cycled into the valley could be cycled out of it. To every man-made problem, there's a man-made solution. Or so it seemed. Before Kesterson . . .

The drain was never finished. The bureau ran up against two formidable forces that slowed and eventually halted its taming of the West — the environmental movement and budget cuts dating back to the Vietnam War. The San Luis Drain, which was supposed to flush out the poisonous waste waters from the valley, fell victim to both of these counter-forces. Conservation groups warned against pollution of the delta. An alternative would have been to run a pipeline westward across the Coastal Range and dump the polluted water into the Pacific. But coastal interests checkmated that option. Congress and succeeding administrations looked with horror at the escalating costs for proper drainage. In the end, construction of the drain was halted more than 100 miles from its delta destination point. It ended at Kesterson National Wildlife Refuge — a little-known, 5900-acre spot in Merced County used by migratory waterfowl on the Pacific Flyway from Canada to Mexico. As a makeshift solution, Kesterson provided evaporation ponds to absorb the lethal waters and let them vanish in thin air. The bureau and the farmers could go about their business. Or so it seemed. Until Kesterson . . .

Among the natural contaminants picked up by the irrigation waters is selenium, which began to poison Kesterson. Hazardous concentrations were confirmed in 1982. A year later, it was clear that a full-blown disaster was in the making. Birds were dying, some were born deformed and selenium contamination began seeping into groundwater. By early 1985, environmental groups began calling for the shutdown of Kesterson as a drainage outlet. Farmers and the bureau would have to change decades-old practices almost overnight. Or so it seemed. Even after Kesterson . . .

But it didn't happen that way. A bureaucratic juggernaut is not well-suited for 180-degree turns. Despite repeated warnings by the U.S. Fish and Wildlife Service that something was radically wrong, the bureau kept the lid on. Both agencies are part of the Interior Department, but top-level policy-makers were reluctant to step into troubled waters. It was easier to pass the buck to California and to order middle-level federal officials to stop issuing alarmist reports. Inertia bred a cover-up. There were acrimonious turf battles and byzantine schemes to pin the responsibility on someone else. Nobody wanted this hot potato. Kesterson began to poison the well at Interior. A disaster was turning into a scandal.

In Sacramento, Governor Deukmejian was on the hot seat — caught between conflicting pressures from environmentalists and agribusiness interests. In February, the state Water Resources Control Board ordered the federal government to clean up Kesterson without further delay. In Washington, panic set in at Interior after government lawyers concluded that some bureau officials might be criminally liable for possible violation of the Migratory Bird Treaty Act. Higher-ups were looking for subordinates who could be left twisting slowly in the wind.

On March 15th, Interior Secretary Donald Hodel caught all parties by surprise with an order for the immediate closing of Kesterson and a shutoff of irrigation water to 42,000 acres of farm land in Fresno County. Kesterson no longer could be swept under the rug. The decision hit like a thunderbolt, threatening 1450 jobs and $47 million in annual farm production. The bureau, which brought so many good things to the West, was forced to retreat. Like the fabled sorcerer's apprentice, it created something that was spinning out of control.

HODEL'S DECISION CAST A PALL over the valley. Farmers faced bankruptcy and banks were left to wrestle with crop loans that might not be repayable. Congressmen from the affected area were furious about the abruptness of the decision and Interior's failure to prepare the way for such a drastic remedy. There were threats of court battles from every direction.

After intense negotiations between water users and the department, Hodel approved a less draconian solution. The water will keep flowing but farmers will gradually have to reduce disposal into Kesterson and stop using it altogether by the middle of next year. Sizeable bits of acreage will have to be set aside for on-site drainage ponds. There's also interest in piping the polluted water to Kern County for help in oil recovery with steam-injection methods.

Over the long run, Kesterson looms as a historic divide. Farmers in semi-arid areas with similar geologic conditions will have to switch to more salt-resistant crops and less water-intensive cultivation. Some land will be taken entirely out of production. The bureau faces multiple investigations. A search is on for other Kestersons. Suddenly, nature does not seem so easily malleable. After Kesterson . . .

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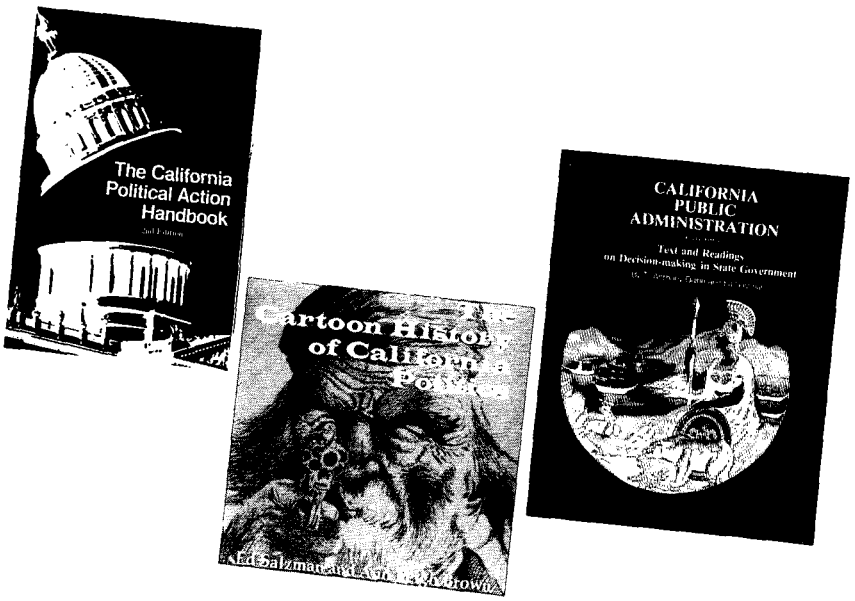
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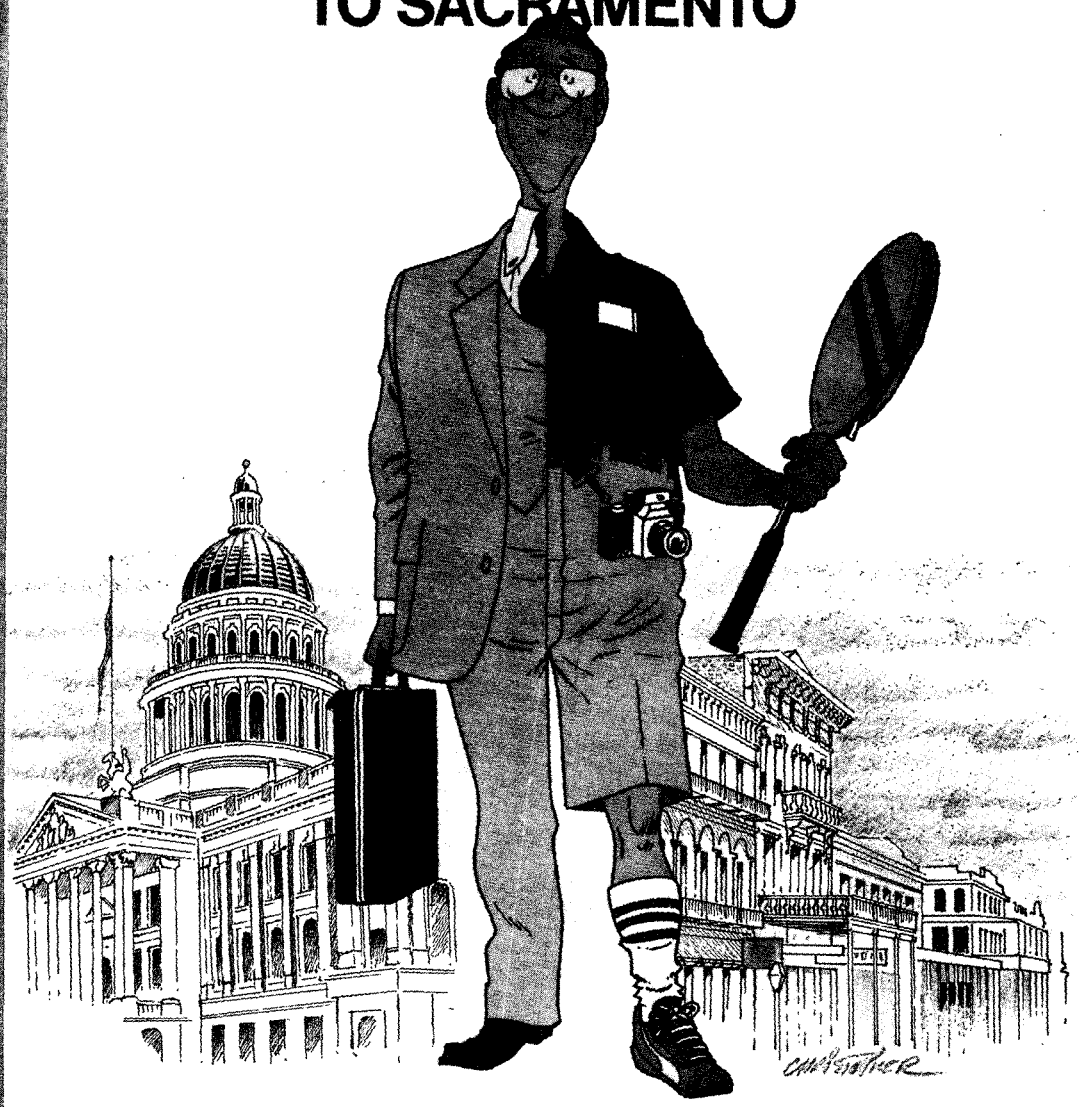
POLITICAL VISITOR'S GUIDE TO SACRAMENTO



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